

**Governmental Advisory Committee
Chairman**



Mr. Peter Dengate Thrush
Chairman of the Board
ICANN

Paris, 26 January 2010

Re: GAC advice to the ICANN Board regarding the EoI process

Dear Peter,

The GAC appreciates the efforts of the Board and staff to explore the possible benefits and downsides of an Expression of Interest (EoI) phase for the new gTLD program. GAC recognises that such a process could help provide data on key questions relating to root scaling, staff administrative workload, and the different types of strings in the first round.

However, there is still significant ambiguity about the purpose of such an EoI: mere data gathering or mandatory pre-registration. GAC notes that in the latter case the EoI could have a significant impact on the new gTLD program and that it should not prejudice the treatment of some outstanding policy issues.

In this context, the GAC would like to express concerns regarding the consultation process, including that:

- the first call for comments in November – December 2009 had very limited visibility and duration;
- the objections raised in those limited consultations were not sufficiently examined in the summary of comments prepared by staff;
- no request has been made for GAC's opinion, despite the clear public policy implications of the proposal (cf. Article III Sec 6 1 c. of the Bylaws); and
- if the Board takes a decision in February 2010 on the EoI, there will have been no opportunity for face-to-face community interaction on this important new proposal before the final decision (contrary to Article III, Sec. 6 2 of the Bylaws).

To co-ordinate the global Domain Name System in the public interest, and make its decisions in an accountable and transparent manner as requested by the Affirmation of Commitments, ICANN must provide an opportunity for broad cross-community interaction on this important process before final decisions are made.

The GAC believes that the risks raised by the current draft EoI proposal must be more thoroughly evaluated. In particular, the proposed EoI model may:

- give an unfair advantage to some ICANN participants¹ who could pre-empt the most valuable strings before the rest of the world is fully aware of the gTLD program;
- allow a speculative market for “EoI application slots”; and
- penalize developing country applicants, and small non-profit TLD projects that none-the-less operate in the public interest.

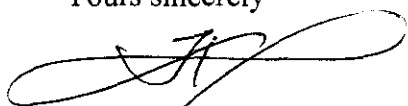
GAC recalls its March 2007 Principles on new gTLDs and intends to provide further comments on the EoI proposal before or at the Nairobi meeting, taking into account reactions by the community and comments posted.

In view of the above, the GAC therefore advises the Board to:

- avoid taking a decision on the EoI at its February meeting and defer it until the next ICANN Public meeting. A premature decision could trigger requests for reconsideration and further derail the discussion;
- request that staff facilitate a full cross-community deliberation on the EoI at the next ICANN Public meeting, prior to any final decisions; and
- ensure that the second summary of comments clearly documents the respective interests of respondents.

The GAC would welcome the Board’s early consideration and response to this advice.

Yours sincerely



Janis Karklins
Chairman of the Governmental Advisory Committee,
Ambassador of Latvia to France

¹ The Affirmation of Commitments states: “ICANN and the Department of Commerce recognize that there is a group of participants that engage in ICANN’s processes to a greater extent than Internet users generally. To ensure that its decisions are in the public interest, and not just the interests of a particular set of stakeholders, ICANN commits to perform and publish analyses of the positive and negative effects of its decisions on the public, including any financial impact on the public, and the positive or negative impact (if any) on the systemic security, stability and resiliency of the DNS.”