



24 January 2007

M. Scott Hemphill
VP & General Counsel
Afilias Limited
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52 Broomhill Road
Tallaght
Dublin 24
Ireland

Dear Scott,

Thank you for your inquiry concerning the status of applications submitted during the New TLD Application Process conducted in 2000. As you know, forty-four applications were received in this process, of which seven were selected. As disclosed in the application materials (see <http://www.icann.org/tlds/application-process-03aug00.htm>), and in the public discussions concerning that round, applicants that were not selected could be reconsidered in subsequent rounds. Other than that consideration, applicants from the 2000 round would receive no special consideration in future rounds.

In the event that one of these applicants should choose to submit an application in a future round, they would need to pay the standard application fee. This was carefully considered and this determination was made for several reasons:

- The application fee in the 2000 round was non-refundable and ICANN's only obligation upon accepting the application and fee was to consider the application and expend the funds received through applications on the evaluation and designations processes.
- This is the precedent set in the 2003 round (see question 20 at <http://www.icann.org/tlds/new-stld-rfp/questions.htm>), when the application fee was set at the same amount for all applicants regardless of participation in the previous round.
- Providing special consideration to some applicants in future rounds may be problematic insofar as verifying that the identity of the applicant is the same as the applicant who submitted the application in 2000.



The same reasoning applies to consideration of TLD strings: all applicants in a potential future application process would be equally eligible for a particular string. It would be problematic again for ICANN to verify that the identities of the applicants match those who applied in the earlier round. Even if this could be accomplished, it would still be necessary to give all applications submitted the same level of scrutiny.

As you may be aware, the GNSO is currently working on establishing a policy to guide allocation of future gTLDs. The process implemented by ICANN in any future application round would, of course, be subject to policy decisions made by the GNSO. Afilias' input to this process on these and all other new TLD policy-related matters is welcomed as a way to develop a robust policy for future expansion of the name space.

Best regards,

A handwritten signature in black ink that reads "Craig S. Schwartz". The signature is fluid and cursive, with a large, stylized flourish at the end.

Craig S. Schwartz
Chief gTLD Registry Liaison
ICANN