Director General

Mr. Peter Dengate-Thrush
Chairman of the Board of Directors
Internet Corporation for Assigned Names and Numbers
4676 Admiralty Way, Suite 330
Marina del Rey, CA 90292-6601
USA

Dear Chairman Dengate-Thrush

The Danish Ministry of Science, Technology and Innovation (the Ministry) appreciates the opportunity to comment on the Proposed Final Applicant Guidebook regarding the introduction of new generic top level domains (gTLDs).

The Ministry has followed the process closely and inter alia commented on a previous version of the Draft Applicant Guidebook in January 2009. This letter presents the Ministry with an opportunity to reiterate that those comments are of course still valid. It is a concern to the Ministry in this regard, that explanation of decisions taken by ICANN, the information on which those decisions rely and the rationale thereof remains persistently unclear, including issues on pros and cons of new gTLDs and application fees.

There can be little doubt that the introduction of new gTLDs to the Internet is a major task involving a wide variety of stakeholders to whom very different considerations need to been shown.

The limited consultation period of 20 working days for the 300+ pages Guidebook makes it impossible for governments to undertake proper consultation with national interests prior to submitting comments on the Guidebook before the deadline of 10 December 2010. The Ministry strongly recommends that the Board takes time to properly review all comments posted during the public consultation before any decision is made on the status of the Guidebook.

The Ministry would like to take this opportunity to highlight a few issues of specific concern that do not seem resolved at this final stage of the process:

- **Jurisdiction**. It is not clear to the Ministry, under what circumstances a potential new TLD falls under and is operated under Danish jurisdiction or other national jurisdictions and under what circumstances it falls under and is operated under Californian jurisdiction. This is of course especially relevant in cases where the TLD has a relation to Denmark in some form or other, e.g. geographic TLDs.
- **Processes for geoTLD issues**. The Guidebook does not take into account several possible scenarios regarding TLDs of geographic interest. This makes it unclear to the Ministry how ICANN would react to certain scenarios, e.g. if a government withdraws a non-objection letter for a geoTLD application (e.g. if a registry subsequently changes the thematic focus of its services) or when an application is filed as a standard applica-

tion but infringes on governments' (or local authorities') rights or public interests.

- **Pros and cons**. It is the understanding of the Ministry, that ICANN is awaiting an analysis on the pros and cons of introducing new gTLDs to the market. The Ministry assumes that this report will be a vital part of the Board's basis for decision. As the Ministry understands the economic reports to this date reflect that the pros and cons are too speculative to predict with any accuracy. To the Ministry the pros and cons of introducing new gTLDs is an issue of fundamental relevance to initiating a long and complex process involving very diverse stakeholder interests, and the Ministry is troubled that the issue is not adequately addressed prior to initiating this process and therefore strongly recommends a more cautious approach to new gTLDs.

In light of the above-mentioned issues the Ministry is concerned that the Applicant Guidebook has not undergone sufficient improvements at this stage to serve as a basis for introducing new gTLDs.

Yours sincerely,

Jørgen Abild Andersen
Director General

Ministry of Science, Technology and Innovation
National IT and Telecom Agency