

Subject: International community is alarmed by putting the new gTLD program in the hand of OFAC

Jan 1, 2011

Dear ICANN,

I do appreciate the opportunity to provide my comments on the New Generic Top-Level Domains (gTLDs) Proposed Final Applicant Guidebook. The Proposed Final New gTLD Applicant Guidebook inserted a new paragraph which was not discussed before and was not part of the previous versions of the DAG. It goes to the heart to the current Internet Governance model of ICANN which is claimed to be multi- stakeholder and bottom up. I'm really surprised that such an important and controversial new requirement /statement gets inserted in the so called Final Guidebook without proper discussion which will impact the global internet community. The inserted (problematic) text (presuming was done by ICANN staff and not as a result from the public comments) appears is page 1-19, Module 1: Introduction to the gTLD Application Process and it reads as follows:

***"Legal Compliance -- ICANN must comply with all U.S. laws, rules, and regulations. One such set of regulations is the economic and trade sanctions program administered by the Office of Foreign Assets Control ("OFAC") of the U.S. Department of the Treasury. These sanctions have been imposed on certain countries, as well as individuals and entities that appear on OFAC's List of Specially Designated Nationals and Blocked Persons (the "SDN List"). ICANN is prohibited from providing most goods or services to residents of sanctioned countries or their governmental entities or to SDNs without an applicable U.S. government authorization or exemption. ICANN generally will not seek a license to provide goods or services to an individual or entity on the SDN List. In the past, when ICANN has been requested to provide services to individuals or entities that are not SDNs, but are residents of sanctioned countries, ICANN has sought and been granted licenses as required. In any given case, however, OFAC could decide not to issue a requested license."** Extracted from Applicant Guidebook – Proposed Final Version*

This new paragraph brings back the critical concerns of many sovereign nations over the control of a single country over today's Internet. I believe it also introduces serious problems for many to-be gTLD operators and sovereign nations who will find such terms unacceptable to permit themselves or their citizens to take part in said New gTLDs while subject to the laws and political conditions of only one government. It also risks the technical stability of the whole Internet and its unique identifiers,

Additionally, and most importantly, this new direction is reminding many sovereign independent nations and local communities that today's Internet is under the supreme control of the US Government thru ICANN and IANA contracts, and that these Nations need to accept foreign controls over their sovereign territories in being able to operate TLDs in ASCII or IDNs in their local languages. For example, a number of expected new gTLD applications will come from communities and municipalities that maintain autonomous sovereignty which will not accept to be governed in their territories and jurisdiction by laws of another (single) Nation, nor participate in the objection process.

I do not need to remind ICANN with the recent incident when [the U.S. Immigration and Customs Enforcement agency \(ICE\) shut down dozens of web sites](#) just because the registry (VeriSign) is a US company without contacting the registrant, the registrar or even ICANN. As a result someone is calling worldwide ISPs [to setup alternate DNS roots](#) which may risk the technical stability of the whole Internet. This incident is alarming to the international community as ICANN is also a US non-profit California Corporation which controls the Internet and its unique identifiers and is subject to U.S. Immigration and Customs Enforcement agency (ICE) at anytime even for putting down a TLD!!!.

Therefore, while I recommend ICANN eliminate this paragraph from the Guidebook, I also strongly urge it reconsiders its direction and addresses the problem of its being accountable to only a single Government. Many recognize that even the removal of this clause does not remove ICANN's ultimate accountability and responsibility to only the US Government (AoC) being a California Corporation.

Abdulaziz Al-Zoman