



**THE CITY OF NEW YORK**  
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February 25, 2013

Mr. Fadi Chehadé  
President and CEO  
ICANN  
6 Rond Point Schuman, Bt. 5  
B-1040 Brussels  
Belgium

Re: Comments of the City of New York on Proposed Revisions to Registry Agreement

Dear Mr. Chehadé:

The City of New York (the "City" or "NYC") applied in April 2012 to operate .nyc under the Internet Corporation for Assigned Names and Numerals ("ICANN") process to introduce new gTLDs.

The City's application was based on close monitoring and review of the development of the applicant guidebook for the new gTLDs, including drafts of the proposed registry agreement to which new operators would be required to accede if a proposed gTLD were accepted by ICANN and moved to delegation. In submitting its application in April 2012 to operate .nyc, the City relied on the registry agreement for new gTLDs published by ICANN in June 2012 (the "Current Agreement") and applied for and was prepared to operate a new gTLD under the terms and conditions specified in the Current Agreement.

The City has now learned by publication on February 5, 2013, nearly nine months after applying for the .nyc TLD, that ICANN seeks unilaterally to change the registry agreement in several significant respects. The City's primary concern regarding these proposed changes relates to section 7.6(c) of the February 5<sup>th</sup> proposal.

Under the proposed change to section 7.6(c), ICANN would reserve the right unilaterally to make changes to the registry agreement that have been rejected by registry operators. This provision substantially alters the nature of the registry agreement and the expectation of


applicants who relied on the June 2012 registry agreement in applying for new gTLDs. In contemplation of its application for the .nyc gTLD, the City completed a multi-year request for proposal process, ultimately selecting Neustar as its vendor to provide technical assistance and certain back end functions in connection with the operation of the .nyc gTLD. In addition, the terms of the registry agreement were part of a detailed analysis and review of the City's ability to participate in the gTLD program.

It was the City's expectation in applying for the .nyc gTLD that it would be accorded at least the level of protection from unilateral changes to its contractual obligations that was present and detailed in the June 2012 registry agreement. The City did not anticipate that it would be subject to unilateral changes in its obligations without the process detailed in section 7 of the June 2012 agreement.

The City continues to appreciate the opportunity to weigh in as the process for delegation of new gTLDs proceeds.

Should further information about the City's comments be required, ICANN is encouraged to contact the undersigned.

Sincerely,



Katherine Winningham  
Senior Counsel