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Dear ICANN

Proposed Final New gTLD Registry Agreement dated 29 April 2013

I refer to the proposed final Registry Agreement for new gTLDs (the proposed Agreement) and the opportunity for public comment.

On behalf of the State Government of Victoria (Australia) and its Department of Business and Innovation, and in the interests of other gTLD applicants — in particular intergovernmental organisations and governmental entities — I am raising the following issues of concern with the proposed Agreement.

- **Clause 7.15 Confidentiality** – this clause should be amended to take into account documents which the receiving party should reasonably have considered to be confidential by the nature of the information contained.
- **Clause 9 of Part B, Specification 2, Data Escrow Requirements** – governmental entities are generally not able to agree to the inclusion of the indemnity provision as specified in this clause. The alternative and preferred approach to an indemnity for these types of organisations was recognised by ICANN in amendments to Article 7.1(a) of the Registry Agreement, which provides specific text for intergovernmental organisations or governmental entities. For consistency, the proposed indemnity clause in the Data Escrow Requirements should be amended in the same way.

I would be grateful if you would confirm that these items will be addressed by amendment in the proposed Agreement. Thank you for your assistance.

Yours sincerely

Cheryl Hardy
Manager eGovernment Research
Victorian Government Domain Provider

17 May 2013