

To Whom It May Concern:

I am writing to oppose the GAC's proposed Safeguards Applicable to all New gTLDs as well as the GAC's proposal to make additional requirements for certain types of TLDs.

My opposition stems from the fact that I feel that the GAC's suggestions, above, are in opposition to ICANN's bylaws and outside the scope of ICANN's responsibilities. Indeed, the Governmental Advisory Committee (GAC) seems to think that ICANN is some sort of world government. But ICANN is not a government and should not be responsible for creating trademark regulations (also known as 'trust mark' standards), verifying identity of registrants, deciding what is family-friendly programming, regulating consumer products, or responding to demands for censorship. ICANN is a corporation. ICANN should not attempt to create regulations (or 'standards') that are better enacted by national or local governments.

Moreover, GAC's advice is in conflict with ICANN's Bylaws. Four of ICANN's Core Values as outlined in ICANN's Bylaws are in direct conflict with the GAC's advice:

**Excerpt from ICANN's Bylaws:**

"In performing its mission, the following core values should guide the decisions and actions of ICANN:

...

3. To the extent feasible and appropriate, delegating coordination functions to or recognizing the policy role of other responsible entities that reflect the interests of affected parties.

...

5. Where feasible and appropriate, depending on market mechanisms to promote and sustain a competitive environment.

...

8. Making decisions by applying documented policies neutrally and objectively, with integrity and fairness.

...

11. While remaining rooted in the private sector, recognizing that governments and public authorities are responsible for public policy and duly taking into account governments' or public authorities' recommendations.

<http://www.icann.org/en/about/governance/bylaws>

**Core Value 3: To the extent feasible and appropriate, delegating coordination functions to or recognizing the policy role of other responsible entities that reflect the interests of affected parties.**

The GAC would have ICANN become responsible for determining what is family-friendly programming, what levels of security banking websites should put in place, what is the definition of a “doctor”, and whether or not TLDs such as .SEARCH are anti-competitive. The GAC members seem strangely eager to ask ICANN to take over Intellectual Property regulation, consumer products regulation, licensing standards, and anti-trust.

This is such a giant leap from ICANN’s core mission of overseeing the Internet naming system and ensuring the interoperability of the Internet that I have trouble taking it seriously.

ICANN regulates the Internet naming system and ensures that the Internet remains operable across national lines. This is primarily a technical function, although of course ICANN does rely on cooperation from world governments in order to ensure that the Internet known as the World Wide Web is accessible world-wide.

**Core Value 5: Where feasible and appropriate, depending on market mechanisms to promote and sustain a competitive environment.**

ICANN should not be proactively identifying TLDs like .CLOUD and .BOOK as anti-competitive. Not only is this outside of the scope of ICANN’s responsibility, but it defies common sense. There is no reason to think that generic TLDs such as .BOOK would give their owners significant market power and thus enable them to create a book monopoly. For example, the domain name [www.book.com](http://www.book.com) cannot hope to compete with [www.Amazon.com](http://www.Amazon.com).

**Core Value 8: Making decisions by applying documented policies neutrally and objectively, with integrity and fairness.**

Clearly, the almost arbitrary selection of TLDs provided in the GAC’s advise is not a neutral and objective attempt at fairness. It is a random selection of TLDs with little justification provided for their selection. For example, why was .Kid selected but not .Family?

**Core Value 11: While remaining rooted in the private sector, recognizing that governments and public authorities are responsible for public policy and duly taking into account governments' or public authorities' recommendations.**

Private sector companies do not create trust mark standards or determine what is anti-competitive and what is not anti-competitive. Governments are responsible for creating public policy, and they should do so within the scope of their own national laws, and not attempt to outsource their rule-making decisions on trust marks, anti-trust, and family programming to ICANN.

Sincerely,

Mary Iqbal