



May 7, 2014

VIA ELECTRONIC MAIL

ICANN
12025 Waterfront Drive
Suite 300
Los Angeles, California 90094-2536

Re: Reply Regarding Public Comments Re Proposal for the Use of Mandatory Policy Advisory Boards

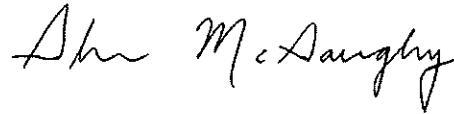
The Weather Channel, LLC, applicant for the <.weather> TLD, joined by Lifestyle Domain Holdings, Inc., one of the applicants for the <.food> TLD, hereby submit this reply in opposition to the proposed implementation of Policy Advisory Boards (“PABs”) in response to the GAC’s Category 1 advice. We appreciate the opportunity to participate in the process and submit this reply on this important issue.

This proposal would rewrite the Applicant Guidebook and underlying registry agreement in violation of GNSO Policy Recommendation Nos. 1, 9 and 10. Specifically, GNSO Policy Recommendation No. 1 provides, “[a]ll applicants for a new gTLD registry should...be evaluated against transparent and predictable criteria, *fully available to the applicants prior to the initiation of the process*” (emphasis added). Similarly, GNSO Policy Recommendation No. 9 provides that there “must be a clear and *pre-published* application process...” (emphasis added). The eleventh hour introduction of PABs to the process runs directly counter to the GNSO Policy Recommendation. As noted by the New TLD Applicant Group (NTAG) in its April 9, 2014 comment, adopting PABs at this stage would constitute a significant policy change. At a minimum, such a change would require policy development through the GNSO.

Additionally, adoption of this proposal would result in ICANN improperly becoming involved in the content regulation of domains within new TLDs. Adopting the proposed PAB framework would move ICANN into the zones of speech censor and competition regulator, both of which are outside of the scope of ICANN’s mandate.

We thank ICANN in advance for its thoughtful consideration of this reply and we look forward to engaging in a productive dialogue regarding the important issues raised herein.

Sincerely,

Handwritten signature of Sheri Gates McGaughy in black ink.

Sheri Gates McGaughy
Vice President, Legal
The Weather Channel, LLC

Handwritten signature of Cynthia Gibson in black ink.

Cynthia Gibson
Executive Vice President and General Counsel
Lifestyle Domain Holdings, Inc.