

January 27, 2010

To: draft-eoi-model@icann.org:

Re: **Comments Regarding ICANN's "New gTLD Program: Aspects of an Expressions of Interest and Pre-Registration Model"**

Dear Mr. Beckstrom, Mr. Dengate-Thrush and the ICANN Board of Directors:

We thank you for the opportunity to provide comments to the Internet Corporation for Assigned Names and Numbers ("ICANN") on the "*New gTLD Program: Aspects of an Expressions of Interest ("EOI") Pre-Registration Model*." The undersigned is a collective of concerned non-profit organizations that believe the provisions of the proposed EOI model are harmful to our organizations and others within the ICANN community.

We urge the ICANN Board to strongly consider the impact of the proposed model on non-profit organizations that use the Domain Name System (DNS) in a unique, but important way. It is our hope that the ICANN Board will carefully consider these comments and delay its decision to implement an EOI process until: (1) the outstanding overarching issues related to the launch of the new gTLD program are resolved, (2) the final Applicant Guidebook is published and (3) ICANN completes a comprehensive and robust communications campaign, especially in developing countries, informing the ICANN community about the new gTLD program, the application process and its proposed EOI process.

The ICANN's proposed EOI model identified seven provisions. We shall comment on each of these from the perspective of non-profit organizations and in light of the interests of our constituencies, stakeholders and communities we serve.

1. Responses to the request for EOI are mandatory for eligibility to submit a gTLD application in the first round. Subsequent application rounds are open to any eligible applicant.

We urge ICANN to consider other avenues to determine interest in new gTLDs that do not require mandatory participation in the EOI process as proposed. We are concerned that many non-profit organizations have neither the resources nor the necessary information to effectively consider whether a new gTLD is appropriate for their organization, since critical specifics of the application process are yet to be determined, such as how the new registries will operate and whether provisions for new gTLD registries that will only be used for internal organizational purposes will be included in the application procedures. Moreover, the mandatory requirement may force many non-profit organizations to "opt in" to the process simply to prevent companies from applying for important new gTLDs that are in a better financial position than non-profit organizations, or companies that are in the business of acquiring new TLDs, domains or active in the DNS system. Finally, our organizations fear the pace and planning of this proposed EOI process may disadvantage many non-profit organizations that do not have the resources to be as informed or actively engaged about these developments as commercial entities, and as a result, these organizations will miss the opportunity to participate in the first round of applications for new gTLDs.

We understand that one of the goals of the proposed EOI is to gauge demand for new gTLDs so that ICANN may receive some of the information it needs to assess root scaling concerns, prepare for staffing needs, and other metrics related to ICANN's operational readiness for the launch of the new gTLDs. In order to obtain meaningful information from the ICANN community about interest in new gTLDs, please consider other potentially effective models with less adverse impact on nonprofit organizations, such as requesting voluntary participation in the EOI process or conducting a detailed survey of the ICANN community after a comprehensive communication campaign about the new gTLD program.

2. A deposit of US\$55,000 is required for the EOI, as a credit against the evaluation fee.

We encourage ICANN to reconsider the mandatory US\$55,000 fee. This required fee will be a significant barrier to entry for many non-profit organizations that simply do not have the financial resources to afford a required fee. Moreover, our organizations will have difficulty justifying the allocation of these valuable resources to "opt-in" and participate in an incomplete and unknown process. We also urge ICANN to remember that because of the unique financial requirements for non-profit organizational status, non-profit organizations will not be able to rely upon the same cost recovery model as commercial entities. Non-profit organizations will not be able to "profit" from the sales of domain names in new gTLDs they own and such profit motives are contrary to the missions of our organizations. Thus, the decision to participate in this EOI process and managing the financial requirements of such participation represent a unique challenge to non-profit organizations. We encourage ICANN to waive the \$US55,000 fee for applications submitted by proven non-profit organizations, and consider a special pricing structure for applications from non-profit organizations.

3. The deposit is refundable if the New gTLD Program does not launch within a specific time period.

We hope ICANN will take a deliberate approach to the launch a new gTLD program, without committing to specific time period for execution. While we appreciate ICANN's concerns regarding the appearance of delay, we think it is equally, if not more important for ICANN to create a process that is complete and well developed.

4. Participants are notified that there will be subsequent changes to the Applicant Guidebook, and that there are limited terms for refund based on such changes. It is the intention to conclude many outstanding issues (for example, discussions of issues concerning vertical integration and the IDN-3 character issues) prior to initiation of the EOI process, through the publication of draft version 4 of the guidebook.

We are very concerned that subsequent changes to the Applicant Guidebook may not be compatible with an organization's operational plans for its planned new gTLD. For example, many organizations plan to use a new gTLD for internal organizational purposes or other uses as approved by the owner, and resolving the issue of the relationship between registries and registrars is very important. In addition, the details for ICANN's plans for preventing consumer fraud, ensuring the security of sensitive data and protecting the trade names and/or trademarks of organizations from misuse in the new gTLDs are not finalized. We urge ICANN to consider additional grounds for refund of the deposit considering the likely close timing between the launch of the revised Applicant Guidebook and the launch of the proposed EOI process. Our organizations will need to know these rules before investing significant financial resources in non-refundable application fees.

5. A fully executed communications campaign, intended to intensify global awareness of the program, will precede the opening of the EOI process.

We agree that a robust, extensive communication is needed to reach members of the ICANN community have been under represented in the policy development process. Therefore, we request that ICANN allocate and provide resources to specifically ensure all types of non-profit organizations, located throughout the world, will have opportunities to comment and engage with ICANN staff about the new gTLD program and EOI process, since many non-profit organizations do not have the funding to attend ICANN's public meetings.

6. A specific set of information concerning the participating entity and the intended string is collected from EOI participants.

If ICANN decides to implement an EOI process, we ask ICANN staff to carefully consider what information about the applicant is necessary for collection.

7. The participant and string information will be made public.

We recognize that there are varying views about whether the participant and string information should be made public. If ICANN decides to collect such information from potential applicants, we encourage ICANN to carefully consider and carefully weigh the impact if the release of such information and whether the public release of the participant and string information is necessary.

Conclusion:

We hope the ICANN Board will carefully consider these comments and make all necessary changes to the planned new gTLD program and EOI process consistent with these recommendations.

Respectfully Submitted,

ALCONSUMIDOR, A.C.

The first non-profit Consumer Protection Association for Telecomm and Internet Users in Mexico, a member of INTUG, and involved with digital inclusion, access to the Internet and IT, making technology available for development.

AMERICAN RED CROSS

American Red Cross, a non-profit/philanthropic organization and one of approximately 180 member national societies of the International Federation of Red Cross and Red Crescent Societies. The American Red Cross shelters, feeds and provides emotional support to victims of disasters; supplies nearly half of the nation's blood; teaches lifesaving skills; provides international humanitarian aid; and supports military members and their families. The Red Cross is a charitable organization — not a government agency — and depends on volunteers and the generosity of the American public to perform its mission. For more information, please visit www.redcross.org or join our blog at <http://blog.redcross.org>.

CHURCH OF GOD IN CHRIST, INC.

The Church of God in Christ, Inc. is one of the oldest and largest Holiness-Pentecostal denominations in the world, with an estimated membership of more than 12,000 churches and six million people in fifty-seven nations across the world.

GOODWILL INDUSTRIES INTERNATIONAL

Goodwill Industries International is a network of 180 community-based, independent agencies in the United States, Canada, and 13 other countries. One of the nation's top five most valuable and recognized nonprofit brands as well as a leading social services enterprise, Goodwill generates opportunities for people to achieve economic stability and build strong families and vibrant communities by offering job training programs, employment placement services and other community-based programs for people who have disabilities, lack education or job experience, or face other challenges to finding employment. To pay for its programs, Goodwill sells donated clothes and other household items in more than 2,300 retail stores and online at shopgoodwill.com. Local Goodwill agencies also build revenue and create jobs by contracting with businesses and government to provide a wide range of commercial services, including packaging and assembly, food service preparation, and document imaging and shredding. More than 1.5 million people in the United States and Canada benefit from Goodwill's career services. Goodwill channels 84 percent of its revenues directly into its programs and services.

THE GRADUATE MANAGEMENT ADMISSION COUNCIL

The Graduate Management Admission Council (www.gmac.com<<http://www.gmac.com>>) is a nonprofit education organization of leading graduate business schools worldwide dedicated to creating access to and disseminating information about graduate management education. GMAC is based in McLean, Virginia, and has a European office in London. The GMAT was created in 1954 and is used by more than 4,700 graduate management programs at nearly 1,900 business schools around the world to assess applicants. The GMAT—the only standardized test designed expressly for graduate business and management programs worldwide—is currently available at more than 450 test centers in over 110 countries. More information about the GMAT is available at www.mba.com<<http://www.mba.com>>.

YMCA OF THE USA

YMCA of the USA is the national resource office for the nation's 2,687 YMCAs, which serve 21 million people each year, including nearly 10 million children under the age of 18. YMCAs meet the most pressing needs in 10,000 communities across the country: nurturing affordable child care for low- and middle-income children, drug prevention and anti gang programs for disadvantaged and at-risk youth, support for the families of military service members deployed overseas, and programs that promote a healthy spirit, mind and body for all. YMCAs unite men, women and children of all ages, faiths, backgrounds, abilities and income levels. In fact, more than 2 million members receive financial assistance from the YMCA. From urban areas to small towns, YMCAs have proudly served America's communities for nearly 160 years.