

November 9, 2012

Dear ICANN,

TLDH / Minds + Machines represents 92 applications in total, 62 of which belong to TLDH, 3 to joint ventures, and 20 to third-party clients. We commend the prioritization draw proposal. It is a mostly reasonable, fair, and equitable solution for metering the processing, and allocation of, new gTLDs. Overall we support the NTAG comments, but want to call attention to some areas of difference, and provide some additional points for the improvement of the proposal and to ensure the success of the new gTLD program. Please note: we are wary of any further delay that could occur in the program because of changes to the current proposal.

Prioritization

TLDH is supportive of the prioritization of IDNs as well as Geographic TLDs (Geo TLDs) ahead of other applications.

Geographic TLDs

Prioritizing IDNs is a step in the right direction to promote public interest and to underline ICANN's plan for better global outreach. Further progress in these areas would be made by prioritizing Geo TLDs in a similar way.

ICANN, as the global guardian of the Domain Name System, is responsible for ensuring a fair balance between public and private interests. Throughout the world, Geo TLDs are important to their local communities. Geo TLD applicants clearly operate in the public interest and ICANN should acknowledge the support they received from their relevant local governmental authority, elected by the public to serve them and act in their interest, by prioritizing their applications.

Therefore, we recommend that ICANN add Geo TLDs in addition to IDNs in its prioritization plan. The prioritization of the 56 Geo TLDs (7 of the 63 Geo TLDs are IDNs and already prioritized) would defer the initial allocation of other generic TLDs approximately 2-3 weeks. We think this is a reasonable delay in the service of the global public interest.

Community TLDs

Because Community Applications are self-selected, with no third-party validation (as compared to Geo TLDs, which are validated by governments), and community priority evaluation panel review (which verifies if, in fact, the applicant truly does represent a community) will only be optionally invoked in some cases of contention, we DO NOT recommend that Community Applications be prioritized ahead of non-IDNs or Geo TLDs.

IMPROVEMENTS IN EFFICIENCY

Release of IE Results

ICANN should release initial evaluation results as soon as they are complete. Releasing results immediately upon completion allows applicants to: if necessary, enter into extended evaluation immediately; make important business decisions that include staffing and finances; and move towards settlement of contention sets earlier than under the current proposal. The sequencing priority determined by the draw should be used only to determine the order of evaluations going forward, and should not be used with respect to release of initial evaluations.

Pre-delegation Testing

Given that many of the proposed new gTLDs will make use of identical technical infrastructure, it should not be necessary to perform the entire suite of checks in pre-delegation testing on each TLD. Rather, **ICANN should only require one set of delegation testing per backend provider. The efficiency gain is undeniable.** According to information presented by Kurt Pritz in Toronto, pre-delegation testing would be scheduled in two-to-four hour blocks per application. The Draw proposal indicates 20 pre-delegation tests will be scheduled per week. Applicants submitted approximately 1400 unique strings that would be operated by, at most, 30 different Registry Service Providers (RSP). Under the current proposal (unique pre-delegation testing per TLD instead of per RSP) **it will take 2800 hours to complete pre-delegation testing. SEVENTY WEEKS will be spent on duplicative pre-delegation testing.** If the proposal is modified so that only unique RSPs are tested, pre-delegation testing could be completed in less than two weeks. Since pre-delegation testing is a purely technical check to ensure the specifications in the AGB are being met, there is no reason to repeat the exact same checks across multiple TLDs on the same system. Most, if not all, RSPs that support multiple TLDs will use the same systems and infrastructure for all TLDs under their management. Those applicants that have unique technical requirements could be tested separately. This is a much better solution than forcing 30 operators to unnecessarily allocate time, money, and resources in order to repeat the same test, and show the same results, tens or hundreds of times.

CERTAINTY OF TIMELINES

GAC Advice

At this late stage in the process, it is imperative that applicants have as much certainty as possible over the remaining timeline. In particular, **all GAC advice on applications should be received according to the timeline detailed in the AGB, and certainly NOT later than the Beijing ICANN meeting. The AGB states:**

"1.1.2.7 Receipt of GAC Advice on New gTLDs

The GAC may provide public policy advice directly to the ICANN Board on any application. The procedure for GAC Advice on New gTLDs described in Module 3 indicates that, to be considered by the Board during the evaluation process, **the GAC Advice on New gTLDs must be submitted**

by the close of the objection filing period. A GAC Early Warning is not a prerequisite to use of the GAC Advice process. " (emphasis added)

We remind the Board and GAC of the policies already established in the AGB regarding GAC advice timing. The proposed objection period closing date is mid-March, already a several month extension from the timeline detailed in the AGB.

ICANN should facilitate an inter-sessional GAC meeting if the GAC believes this would be helpful in achieving this deadline.

CONTENTION SETS

We do NOT support the position some members of NTAG have advanced: that ICANN should assign all applications in a contention set an equal prioritization as a result of the draw. It is not in the interest of any applicants except those in contention sets to prioritize these applications above others. Portfolio applicants have many more names in contention than non-portfolio applicants. As a portfolio applicant ourselves, we feel it is in our best interest to have as many people as possible understand and believe that the system is fair, because that understanding and belief will help everyone going forward, when we all have to work together. Prioritizing contention sets is not good for ICANN, as some of them may very well result in legal claims that seek to shut the program down while the claims are adjudicated. The reputation of ICANN and the perceived success of the new gTLD program will be bolstered if uncontested names get into the root first.

Thank you for considering our input.

Sincerely,

Antony Van Couvering, CEO TLDH

++

Elaine Pruis, CTO Minds + Machines