August 8, 2012

Mr. Kurt Pritz

Senior Vice President, Stakeholder Relations

ICANN

As Chair of the Business Constituency, I notify ICANN that the BC requests an extension of 30 days to the August 12 deadline for public comments on new gTLD applications that are intended to be submitted to evaluation

panels and other changes that support ICANN’s role as a transparent and accountable trusted steward of the DNS.

In addition to the extension, the BC requests ICANN to fully support non applicants in an equivalent manner to the support that they are providing to gTLD applicants, both in availability of information and resource support.

We ask for

1. an extension of 30 days for comments
2. Allow participation of non applicants as observers to any and all Webinars on new gTLDs with full and adequate support on an equal basis to applicants in access
3. Improvements and full support to concerned users via webinars and other materials developed and promoted by ICANN on ICANN’s website and via any other mechanisms of equal focus and value to the ICANN materials about new gTLD applications about how to raise objections and fully participate in ICANN’s processes for raising concerns and objections

Rationale for Extension:

* Originally, ICANN’s deadline of August 12 was based on not knowing how many applications would be received, and took into account the need for Early Warning notices by the Governmental Advisory Committee.

The process to submit comments is complex:

* As we have reviewed the 16-page user guide [ http://newgtlds.icann.org/en/program-status/applicationcomments/
* user-guide-13jun12-en.pdf], we note and our members advise that it is not a simple task to review and provide comments.
* We note and support that the GAC’s Early Warning notices deadline was extended to an unspecified date in October, following the ICANN Toronto meeting. See
* <http://www.icann.org/en/news/correspondence/crocker-to-dryden-27jul12-en.pdf>.
* At the time the August 12 date for comments was established, ICANN and the community did not know how many applications were expected, or what kinds of applications were expected. At this point, all know that there are slightly over 1900 applications, which will be evaluated in a single batch.
* As companies, associations, and organizations are now working to assess the applications for impact on their trademarks, and on their industry sectors, it is clear that more time is needed. Originally, when 500 applications were the basis of ICANN planning, a 60 day evaluation period seemed justified.
* With over 1900 applications, this 60 day period is not adequate.
* BC members, ranging from industry sector representatives to individual companies have advised that the time frame is simply not sufficient. The volume of pages is much higher than anticipated in a forecast of 500, which is what ICANN based its initial planning on. The complexities of some of the generic word applicants that do not appear to be associated with an industry, or are proposed by a single provider in an industry sector represent major challenges for an industry sector, and individual companies to assess.
* The volume of applications and their diversity is much higher than anticipated. Companies and their advisors and associations must review, analyze and then develop comments of relevance on what appears to be well over 100K pages of text. Many of our members are associations representing industry sectors or with complex memberships spanning multiple industries. Their review process is complicated and time consuming – which is required for them to meet their industry’s requirements of transparency and accountability.

**Requested Change: We ask for a 30 day extension to the August 12 date.**

**Requested Change: Expand participation to non applicants:**

Thus, information for applicants including webinars in support of applicants must be open and available to the fuller community. Providing transcripts for such webinars is useful and a positive step. But is not adequate in terms of ICANN’s requirement for transparency and accountability. Thus, these sessions should be open to non applicants for observer status, at a minimum.

**Requested Change: Provide support to non applicants with a focus on how non applicants can use the challenge/defensive processes within the new gTLD process.**

**Discussion:**

The BC appreciates and fully endorses that ICANN is improving its support to applicants via a recent announcement of a webinar approach.

However, informational support and opportunities for both applicants and non applicants should be substantively increased, and all informational sessions must be open for observation to any interested party.

ICANN is taking seriously the concerns of potential new contracted parties, and we support that this is important and critical to a successful and effective new gTLD expansion. Some BC members, and many brand holders are interested in the ICANN informational sessions as new applicants. Others are interested as non applicants.

ICANN must not lose sight of its role as the trusted steward of the DNS. Support to new gTLD applicants is part of ICANN’s role, but must remain only one of its priorities. The Board and senior staff must remain attentive to the fuller role and responsibilities of ICANN, while the new gTLD program is implemented.

In addition, ICANN must always reflect in its initiatives that the broader community is affected, both positively and negatively by many of the applications and supporting users’ [commercial and non commercial, including governments] understanding of all parts of the application process with clarity and transparency is an imperative for ICANN’s role as a trusted steward of the DNS.

Support to Users:

ICANN should provide the same kind of informational sessions, advertised in advanced, promoted on the ICANN website, and fully supported with easy to understand information and process about how non applicants may object, or raise concerns to applications. Failing to provide such similar supporting mechanisms is a failure in ICANN’s understanding and actualizing its role as the trusted steward, as confirmed in the AoC.

To fulfill its role as the trusted steward of the DNS, ICANN must be as attentive to the concerns of users, as to those who seek to become contracted party/suppliers in the new gTLD program.

The extension we ask for should be accompanied by a renewed acknowledgement of ICANN that users deserve support throughout the process, not only suppliers. That will mean that a change in attitude and support has to happen in communications, and in access to resources, such as webinars, and including but not limited to ICANN provided fact sheet materials about raising objections.

The BC has supported the responsible expansion of the names space, with a prioritization of IDNs and community serving new gTLDs. The BC was disappointed that ICANN marketing/communications and other ICANN decisions in the new gTLD program fostered an approach to new gTLDs that was not fully representative of the needs and interests of developing countries full participation.

This continues to be a concern for the BC, who is striving to strengthen the participation of business organizations from all regions in ICANN.

Even as we support a responsible managed expansion of the domain name space, the program has continued concerns for business. BC members continue to have strong concerns about the new gTLD program’s failures to fully address the need for protections at the second level for trademark holders, creating a form of negative externalities that ICANN continues to ignore as a concern to many in the community, including the GAC.

ICANN should value all opportunities to demonstrate that it is flexible, and accountable not only to applicants for new gTLDs, but for users of the DNS.

Thus, we ask, again, for :

1. an extension of 30 days for comments
2. Allow participation of non applicants as observers to any and all Webinars on new gTLDs with full and adequate support on an equal basis to applicants in access
3. Improvements and full support to concerned users via webinars and other materials developed and promoted by ICANN on ICANN’s website and via any other mechanisms, of equal focus about how to raise objections and fully participate in ICANN’s processes

The Business Constituency@ICANN looks forward to the Board new gTLD program committee review of our request for an extension, and for the guidance from the new gTLD Program Committee to the ICANN staff to more fully support users concerns. We are available for any discussion which might offer further insights on improvements and changes to support users concerns.

Marilyn Cade, BC Chair

cc:

Cherine Chalaby, chair, New gTLD Program Committee of ICANN Board

New gTLD Program Committee

ICANN Board Chair and V.Chairs

Akram Attalah, ICANN Acting Executive and CEO

Business Constituency@ICANN

CSG Constituency Chairs: ISPCP and IPC

ALAC Chair for distribution to ALAC

GAC chair for distribution to the GAC