

## The Multilingual Internet Group



Web Synergys Inc.



Mr. Rod Beckstrom, President and Chief Executive Officer  
Mr. Peter Dengate-Thrush, Chairman, Board of Directors  
Members of the ICANN Board of Directors  
Internet Corporation for Assigned Names and Numbers  
4676 Admiralty Way, Suite 330  
Marina Del Rey, CA 90292

Dr. Heather Dryden  
Interim Chairperson, ICANN Governmental Advisory Committee (GAC)  
Via email:

Mr. Brian Cute,  
Chairman, Affirmation of Commitments (ANOC) Accountability and Transparency Review Team (ATRT)  
Via email:

Cc: Mr. Lawrence E. Strickling  
Assistant Secretary for Communication and Information  
U.S. Department of Commerce  
Washington DC, 20230

December 10, 2010

Subject: Confirmation in “Proposed Final Guidebook” that all applicants for New gTLDs and IDN gTLDs will be screened against US laws, specifically OFAC and the SDN lists. Should we start proclaiming today’s Internet and the ICANN root as “The American Internet?”

Dear Rod, Peter, Heather, Brian and all Board members,

This open letter is to complement and provide additional details with regards to my public intervention during the ICANN Cartagena’s open forum on December 9<sup>th</sup> transcripts of which stand posted at the end of this open letter for ease of reference.

I would like to take this opportunity to congratulate the board upon its swift adoption of the resolution, on September 25, 2010 to remove the term “terrorism” from the latest version of the Guidebook as our letter on July 16 had warned and recommended <http://forum.icann.org/lists/4gtld-guide/msg00021.html>. I also wish to acknowledge the board’s instructions to ICANN staff to refine and tighten up definitions in the guidebook as our letter clearly pointed out and requested.

But as the term “terrorism” was removed the paragraph titled “ Legal Compliance” on Page 28 under Section 1.2- Information for All Applicants - replaced it by invoking the US Treasury’s OFAC and the SDN lists to carry out a screening of applicants from all corners of the world against US laws and requirements.

The “Proposed Final Guidebook” makes this significant matter crystal clear. The manner, however, this has been formulated confirms that the United States’ laws and its foreign policy will be the long-standing instruments used in governing the Internet globally not only in sovereign territories but ironically in local communities’ own native languages thru IDNs. In essence this means only the English and IDN new gTLDs and its applicants that the US Government and its foreign policy say are Ok will be permitted.

Ironically, it has been widely perceived both internationally as well as by many sovereign nations that one of the general aims over the years have been to shape the Internet in a way that reflects the image of its creator and that of its values, legal and political foreign policy frameworks. Invoking OFAC and the SDN lists in this manner now adds credibility to these international perceptions. As a result, we believe that the strategic ICANN mission of “One world, One Internet” as ICANN’s “raison d’être” now stands at great risk with irreversible consequences under ICANN’s current management style and direction.

Crucially, this could have been easily mistaken by the international community and governments that the manner this was done was with tacit or complicit support of the United States government if it were not for the very stern letter of “NO

Office of the Chairman.

The Multilingual Internet Group [www.MLiGrp.com](http://www.MLiGrp.com)

[www.Ankaboot.com](http://www.Ankaboot.com) - [www.LMTranslator.com](http://www.LMTranslator.com) - [www.WebSynergys.com](http://www.WebSynergys.com) - [www.ArabicSSL.net](http://www.ArabicSSL.net) - [www.minc.org](http://www.minc.org)

## The Multilingual Internet Group



Web Synergys Inc.



confidence” ICANN received from Mr. Lawrence E. Strickling, Assistant Secretary for Communication and Information of the U.S. Department of Commerce on December 2<sup>nd</sup> 2010 <http://forum.icann.org/lists/5gld-guide/pdf4SSmb5oOd5.pdf>.

I am pleased that ICANN’s President and CEO Mr. Rod Beckstrom was prompt to acknowledge the validity of my concerns at the ICANN public forum stating that ICANN is aware of the problem. This was strongly echoed subsequently at the close of the session by ICANN board member Mr. Jean-Jacques Subrenat who agreed and thanked me for raising it and called on his fellow board members to give this serious prompt attention.

However, this begs this initial question: Why were we given a Guidebook that is labeled “proposed final” but which contains a component that not only appears to be far from being well thought out let alone final but which can potentially cause breaking the single root of the Internet?

But more importantly, does the ICANN board realize the severity of the consequences this brings? We believe this has already instigated many major sovereign nations to start considering not only the option of boycotting ICANN’s new gTLDs but perhaps prompting them to start considering alternatives to the ICANN root and its version of Internet Governance with another. We all know this is technically very implementable but now it has been given serious international political fuel and palatability for major countries to act upon by ICANN itself..

Was this ICANN’s only choice and manner in dealing with the US Government’s singular control of the net and its mandate per the Affirmation of Commitments? I don’t believe so.

This has not only resurrected the biggest debate of the WSIS from 2001 to 2005 on whether the control of the Internet should remain in the hands of a single country instead it has now placed it high on the radar screens of many capitals around the world. One can conclude that even the US Government may not be pleased with the manner this subject has been mishandled by ICANN.

And before there is a rush to blame this on the US Government and the Department of Commerce (DOC) who has no day to day control of ICANN, appropriate consideration should be given to the DOC’s role on ICANN. The DOC is ICANN’s singular legitimizing authority to its role and existence. Furthermore, the DOC’s letter on December 2<sup>nd</sup>, 2010 (referenced above) identified many areas ICANN’s has poorly performed per the Affirmation of Commitments. Their letter also concluded that ICANN is not yet ready to launch the new gTLDs as planned.

I conclude by calling on ICANN and all concerned parties to carefully reassess the manner this has been handled and remind them that ICANN has not only alienated major countries and players it sought to bring into the ICANN realm further than ever, but it did so needlessly. Moreover, it is about to cause the breaking of the single root of the Internet, its core value, by its own actions.

Once again, below is the actual transcribed text of my statement at the ICANN Cartagena Public Forum for referencing purposes.

Best Regards

Khaled Fattal,

Chairman and CEO, The Multilingual Internet Group

- \* Ankaboot Global Social Network, [www.Ankaboot.com](http://www.Ankaboot.com)
- \* Live Multilingual Translator, [www.LMTranslator.com](http://www.LMTranslator.com)
- \* WebSynergys Inc. [www.WebSynergys.com](http://www.WebSynergys.com)
- \* ArabicSSL Certification [www.ArabicSSL.net](http://www.ArabicSSL.net)
- \* Multilingual Internet Names Consortium, (MINC) [www.minc.org](http://www.minc.org)

Office of the Chairman.

The Multilingual Internet Group [www.MLiGrp.com](http://www.MLiGrp.com)

[www.Ankaboot.com](http://www.Ankaboot.com) - [www.LMTranslator.com](http://www.LMTranslator.com) - [www.WebSynergys.com](http://www.WebSynergys.com) - [www.ArabicSSL.net](http://www.ArabicSSL.net) - [www.minc.org](http://www.minc.org)



- ICANN President Advisory Committee Member on IDNs
- Member of the 30+ ICANN meetings participants

*I thank ICANN for going out of its way in putting under bright neon lights something new in the final proposed Guidebook which I find of great concern to the core ICANN values and mission and the single root I believe in, and I quote:*

*Page 25 Section 1.2- Information for All Applicants- Page 28- Legal Compliance – ICANN must comply with all U.S. laws, rules, and regulations. One such set of regulations is the economic and trade sanctions program administered by the Office of Foreign Assets Control (“OFAC”) of the U.S. Department of the Treasury. These sanctions have been imposed on certain countries, as well as individuals and entities that appear on OFAC's List of Specially Designated Nationals and Blocked Persons (the “SDN List”). ICANN is prohibited from providing most goods or services to residents of sanctioned countries or their governmental entities or to SDNs without an applicable U.S. government authorization or exemption. Etc...*

*For those who are not familiar with OFAC and the SDN list, they reflect the US Government’s list of undesirables that reflect legitimate but ONLY US legal and foreign policy interests.*

***Now the very loud fire alarm bells on Internet Governance***

*Does ICANN really want to tell international communities and many sovereign nations it seeks to turn into ICANN supporters like China, Russia, India, Brazil, the Arab States and many others that the Internet that reaches and will reach them and their territories especially in their local languages thru IDNs will be governed by and is subject to US laws and US foreign policy? ... Because this is what this is telling them...*

*I believe this has grave risks on to the single root, and the credibility of the Affirmation of commitments (AOC). A detailed statement of the ramifications will be submitted shortly.*

*End.*