

To the ICANN Board:

On 27 August 2013 at 17:17 UTC, less than seven hours before the comment period on the Name Collision Report (the “Report”) even closed, an applicant was informed that their submitted CIR did not currently qualify them to proceed to contracting as its application was in the 20% “Uncalculated Risk” category named in the Report.

As stated in [NTAG’s official response](#), there are serious issues about the recommendations of ICANN staff and their relationship to the results.

The Interisle Report and the recommendations of ICANN staff were published simultaneously, giving Applicants and the Community a chance only to respond to ICANN staff recommendations, rather than to the Report itself before recommendations were issued. This, followed so quickly by ICANN staff taking action on its recommendations *before the comment period for such recommendations has closed* is a clear disregard for the multi-stakeholder process.

We would like to note that ICANN already reserves the right to amend any contract.¹ Therefore, the apparent goal of this delay—to allow for changes to the Registry Agreement in light of the Report—is already provided for in the Agreement as it stands. There is no reason to delay any of the 20% named in the Report at this point in their contracting process.

We respectfully ask that the Board *immediately* halt ICANN staff’s attempts to delay the process without Community input by making implementation decisions with deficient information. We further request that ICANN staff, in the future, wait for all of the information—including Community input—to be presented before making decisions that detrimentally impact the New gTLD Program.

Sincerely,

Artemis
Big Room Inc.
Charleston Road Registry
CORE Association
Donuts
Dot Registry, LLC
Minds + Machines
NIC.br
Top Level Design
United TLD
XYZ.COM

We note that the list of official supporters is short because an official vote could not be taken in the short amount of time between taking notice of the issue and the closing of the commenting period.

¹ Supplement to Registry Agreement, §1 (a)