



Re: Comments on “Use of a Drawing for Prioritizing New gTLD Applications”

We commend ICANN on its effort to progress this particular area of its New gTLD Program in a manner it sees as most equitable to its new gTLD stakeholders. Set out below are Valideus’ comments on ICANN’s proposed Use of a Drawing for Prioritizing New gTLD Applications:

- To avoid even the remotest possibility or even perception of any sleight-of-hand, **ICANN should not allow applicants to draw paper tickets themselves**; rather, this should be exclusively managed by the trusted third party ICANN will use to supervise the draw.
 - We note that CA Code § 320.5(b) seems to support this.
- ICANN should limit application prioritization to IDNs; this could be accomplished e.g., by a round-robin draw between IDNs and all other non-IDN applications.
 - We note that any effort to define additional categories of applicants/applications for further prioritization are likely to be time-consuming, and unlikely to reach consensus; indeed, the public comments submitted to date are already making this relatively self-evident.
 - In any event, we would not support any unilateral decision by ICANN to further re-define prioritization of applications (beyond IDNs, and possibly geographic TLDs to the extent supported by the GAC) without the opportunity for broader discussion.

Thank you for your consideration of the above suggestions; please do not hesitate to contact us if we can be of further assistance.

Yours sincerely,

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