



OPERATING EUROVISION AND EURORADIO

DATE

06 March 2018

BY EMAIL

jamie@dotgay.com

COPY

ICANN-Board@icann.org

SUBJECT

Community Application

Mr. Jamie Baxter
DOT.gay LLC
307 Seventh Avenue #305
New York, NY 10001
USA

Dear Sir,

I am writing you today in my capacity as Head of Institutional Relations at EBU to share with you our disappointing experience with the Community Priority Evaluation (CPE) process.

At the time, I was in charge of following on behalf of my organization all the policy implications of the application we submitted as a community for the DOT.radio TLD. Together with Mr. Artero, TLD project manager, we went through the CPE process and our experience was that such process was far from being impartial and flawless. These considerations, as well as related concerns about the CPE, have already been directed to the ICANN Ombudsman and the Council of Europe (CoE) experts who prepared the report on TLD and Human Rights and are identical to those which affected the evaluation of the DOT.gay application.

The EBU was given 14 points out of the achievable 16 points on the rating scale, i.e., just enough points for DOT.radio to be recognized as a "community applicant" and granted community priority.

We obtained :

- 3 out of 4 points for Community Establishment
- 3 out of 4 points for Nexus between String and Community
- 4 out of 4 points on Registration Policies
- 4 out of 4 points for Community Endorsement

As we pointed out to the Ombudsman and the CoE experts, the criteria used by the EIU evaluators appeared completely unpredictable and unstable. No coherence could be found in the analyses carried out on various applications. As we have already stated publicly, there were frequent contradictions even within the same application, especially when compared to other parts of the ICANN's gTLD process.

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These inconsistencies, as well as others, were brought to the attention of the Ombudsman and the CoE experts, but for obvious reasons, the EBU at that time was not very vocal, as we were still in the middle of the attribution process for DOT.radio. Now that we have been granted the DOT.radio TLD, we feel more free to bring to light the numerous and evident inconsistencies of the evaluation process. We also believe that had the process adhered more consistently to ICANN's own evaluation principles, our application would have been awarded all 16 points.

Unfortunately this was not the case either in relation to your application for TLD DOT.gay. Similarly, such inconsistencies and incoherencies had a devastating impact and, as a final result, prevented DOT.gay from obtaining community priority and recognition.

My purpose here is to sum up what happened to us in a very similar case to yours, hoping that the ICANN Board will arrive at the recognition that DOT.gay was refused community priority because of evident failures in the CPE process and inconsistent attribution of points. In the case of DOT.gay (as our experience shows as well) the evaluation score was wrongly calculated, due to inconsistencies against the criteria set by ICANN and even other EIU evaluations.

We find it shocking that the FTI Consulting investigation has ignored these inconsistencies and incoherencies, in spite of ICANN's responsibility as an organization to adhere to its non-discriminatory commitments in carrying out CPE and to ensure that all community applicants are treated equally and fairly. We hope that the ICANN Board will achieve enough clarity to set aside the FTI reports when addressing the case of DOT.gay.

At your disposal to provide further evidence if requested, I remain,

Yours sincerely,

A handwritten signature in black ink, appearing to read 'G. Mazzone', with a stylized flourish at the end.

Giacomo Mazzone
Head of Institutional Relations at EBU
(in charge of relations with ICANN)

EBU

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