



The Internet Corporation for Assigned Names and Numbers

20 November 2015

Mr. Kevin G. Rupy
Vice President, Law & Policy
United States Telecom Association
607 14th St NW, Suite 400
Washington, DC 2005-2164

Re: .PHONE Generic Top-Level Domain (Application ID: 1-2011-80942)

Dear Mr. Kevin G. Rupy:

Thank you for the 17 November 2015 letter to Fadi Chehadé, regarding Dish DBS Corporation's application for .PHONE. We have published your letter to the gTLD correspondence page (<https://www.icann.org/en/system/files/correspondence/rupy-to-chehade-17nov15-en.pdf>).

We acknowledge the United States Telecom Association's concerns regarding this application and its proposed operating model. Please note that in order for an application to execute a Registry Agreement with ICANN and operate a TLD, one of the requirements of the New gTLD Program is that the application clear string contention (i.e., no other applications for the same or a confusingly similar string may remain). Dish DBS Corporation's application for .PHONE is still in contention with another application, and is scheduled to participate in an ICANN-facilitated auction to resolve this contention set. The Auction is currently scheduled to occur on 20 January 2016. For more information about contention sets, ICANN-facilitated auctions, and the auction schedule, please see the Auction page on the New gTLD microsite (<http://newgtlds.icann.org/en/applicants/auctions>).

Your letters requests that ICANN "ensure that the applicant for the above referenced gTLD – Dish DBS Corporation (Dish) – compl[y] with the ICANN Board's resolution from earlier this year which adopted the Category 2 Advice from the Government Advisory Committee (GAC) regarding exclusive generic TLDs." Dish DBS Corporation has indicated to ICANN that the TLD will not be operated as an exclusive access registry (<http://newgtlds.icann.org/sites/default/files/applicants/02oct15/gac-advice-response-3-1-2011-80942-en.pdf>), thus complying with the 21 June 2015 ICANN Board New gTLD Program Committee resolution (<https://www.icann.org/resources/board-material/resolutions-new-gtld-2015-06-21-en#2.a>) and ICANN's implementation of GAC Category 2 Safeguard Advice (<http://newgtlds.icann.org/en/applicants/advisories/gac-cat2-advice-19mar14-en>).

As described above, the application is currently in contention for the .PHONE gTLD, and will not be eligible to execute a Registry Agreement with ICANN until the matter of contention has been resolved. Should Dish DBS Corporation enter into a Registry Agreement with ICANN for the .PHONE gTLD, it will be required to comply with Specification 11 of the Registry Agreement, which prohibits registry operators of generic strings from imposing eligibility criteria for registering names in a TLD that limit



registrations exclusively to a single person or entity and/or that person's or entity's affiliates (<http://newgtlds.icann.org/sites/default/files/agreements/agreement-approved-09jan14-en.pdf>). Any allegations that a registry operator is violating its obligations under Specification 11 could be addressed through ICANN's Public Interest Commitment Dispute Resolution Procedure (PICDRP; see <https://www.icann.org/resources/pages/picdrp-2014-01-09-en>) or by ICANN Contractual Compliance (<https://www.icann.org/compliance/complaint>).

I hope that this information is helpful to you. Thank you for your interest in the New gTLD Program and your participation in ICANN's multi-stakeholder process.

Sincerely,

A handwritten signature in blue ink that reads "Christine A. Willett".

Christine A. Willett
Vice President, GDD Operations
ICANN