Annex 1

New gTLD Program
Community Priority Evaluation Report
Report Date: 6 October 2014

Application ID:	1-1713-23699
Applied-for String:	Gay
Applicant Name:	dotgay llc

Overall Community Priority Evaluation Summary

Community Priority Evaluation Result	Did Not Prevail

Thank you for your participation in the New gTLD Program. After careful consideration and extensive review of the information provided in your application, including documents of support, the Community Priority Evaluation panel has determined that the application did not meet the requirements specified in the Applicant Guidebook. Your application did not prevail in Community Priority Evaluation.

Your application may still resolve string contention through the other methods as described in Module 4 of the Applicant Guidebook.

Panel Summary

Overall Scoring — 10 Point(s)

Criteria	Earned	Achievable
#1: Community Establishment	4	4
#2: Nexus between Proposed String and Community	0	4
#3: Registration Policies	4	4
#4: Community Endorsement	2	4
Total	10	16

Minimum Required Total Score to Pass 14

Criterion #1: Community Establishment — 4/4 Point(s)

1-A Delineation — ***2/2 Point(s)***

The Community Priority Evaluation panel has determined that the community as defined in the application met the criterion for Delineation as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook, as the community defined in the application is clearly delineated, organized and pre-existing. The application received the maximum score of 2 points under criterion 1-A: Delineation.

Delineation

Two conditions must be met to fulfill the requirements for delineation: there must be a clear, straightforward membership definition and there must be awareness and recognition of a community (as defined by the applicant) among its members.

The community defined in the application (".GAY[1]") is drawn from:

> …individuals whose gender identities and sexual orientation are outside of the norms defined for heterosexual behavior of the larger society. The Gay Community includes individuals who identify themselves as male or female homosexuals, bisexual, transgender, queer, intersex, ally and many other terminology - in a variety of languages - that has been used at various points to refer most simply to those individuals who do not participate in mainstream cultural practices pertaining to gender identity, expression and adult consensual sexual relationships. The Gay Community has also been referred to using the acronym LGBT, and sometimes the more inclusive LGBTQIA[2]. The most common and globally understood term - used both by members of the Gay Community and in the world at large - is however "Gay".

The application further elaborates the requirements of the above individuals to demonstrate membership in the community:

> The membership criterion to join the Gay Community is the process of 'coming out'. This process is unique for every individual, organization and ally involving a level of risk in simply becoming visible. While this is sufficient for the world at large in order to delineate more clearly, dotgay LLC is also requiring community members to have registered with one of our Authenticating Partners (process described in 20E). The Authentication Partners are the result of a century or more of community members voluntarily grouping themselves into gay civic organizations. Membership in the Gay Community is not restricted by any geographical boundaries and is united by a common interest in human rights.

This community definition shows a clear and straightforward membership and is therefore well defined. Membership is "determined through formal membership with any of dotgay LLC's [the applicant's] Authentication Partners (AP) from the community", a transparent and verifiable membership structure that adequately meets the evaluation criteria of the AGB.

In addition, the community as defined in the application has awareness and recognition among its members. The application states:

> As the foundation of the community, membership organizations are the single most visible entry point to the Gay Community around the world. They serve as "hubs" and are recognized as definitive qualifiers for those interested in affirming their membership in the community. The organizations range from serving health, social and economic needs to those more educational and political in nature; with each having due process around affirming status in the community. In keeping with standards currently acknowledged and used within the community, dotgay LLC will utilize membership organizations as APs to confirm eligibility. APs must meet and maintain the following requirements for approval by dotgay LLC:
>
> 1. Have an active and reputable presence in the Gay Community
> 2. Have a mission statement that incorporates a focus specific to the Gay Community
> 3. Have an established policy that affirms community status for member enrolment
> 4. Have a secure online member login area that requires a username & password, or other secure control mechanism.

[1] In this report the community as defined by the application is referred to as the ".GAY community" instead of the "gay community" or the "LGBTQIA community". The ".GAY community" is understood as the set of individuals and associated organizations defined by the applicant as the community it seeks to represent under the new gTLD. "Gay community" or "LGBTQIA community" are used as vernacular terms to refer to LGBTQIA individuals and organizations, whether or not explicitly included in the applicant's defined community. This use is consistent with the references to these groups in the application.

[2] The Applicant notes with regard to its use of the term LGBTQIA that "LGBTQIA – Lesbian, Gay, Bisexual, Transgender, Queer, Intersex and Ally is the latest term used to indicate the inclusive regard for the extent of the Gay Community." This report uses the term similarly.

Based on the Panel's research and materials provided in the application, there is sufficient evidence that the members as defined in the application would cohere as required for a clearly delineated community. This is because members must be registered with at least one Authenticating Partner (AP). The AP must have both a "presence in the Gay Community", and also "incorporate a focus specific to the Gay Community." By registering as a verifiable member with an AP with these characteristics, individuals would have both an awareness and recognition of their participation and membership in the defined community.

The Community Priority Evaluation panel has determined that the community as defined in the application satisfies both of the conditions to fulfill the requirements for delineation.

Organization

Two conditions must be met to fulfill the requirements for organization: there must be at least one entity mainly dedicated to the community, and there must be documented evidence of community activities.

There are many organizations that are dedicated to the community as defined by the application, although most of these organizations are dedicated to a specific geographic scope and the community as defined is a global one. However, there is at least one entity mainly dedicated to the entire global community as defined: the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA). According to the letter of support from ILGA:

> The International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) is the only worldwide federation of more than 1,200 lesbian, gay, bisexual, transgender and intersex (LGBTI) national and local organizations, fighting for the rights of LGBTI people. Established in 1978 in Coventry (UK), ILGA has member organizations in all five continents and is divided into six regions; ILGA PanAfrica, ILGA ANZAPI (Aotearoa/New Zealand, Australia and Pacific Islands), ILGA Asia, ILGA Europe, ILGA LAC (Latin America and Caribbean) and ILGA North America.

The community as defined in the application also has documented evidence of community activities. This is confirmed by detailed information on ILGA's website, including documentation of conferences, calls to action, member events, and annual reports.

The Community Priority Evaluation panel has determined that the community as defined in the application satisfies both conditions to fulfill the requirements for organization.

Pre-existence

To fulfill the requirements for pre-existence, the community must have been active prior to September 2007 (when the new gTLD policy recommendations were completed).

The community as defined in the application was active prior to September 2007. According to the application:

> …in the 20th century a sense of community continued to emerge through the formation of the first incorporated gay rights organization (Chicago Society for Human Rights, 1924). Particularly after 1969, several groups continued to emerge and become more visible, in the US and other countries, evidencing awareness and cohesion among members.

Additionally, the ILGA, an organization representative of the community defined by the applicant, as referred to above, has records of activity beginning before 2007. LGBTQIA individuals have been active outside of organizations as well, but the community as defined is comprised of members of [AP] organizations.

The Community Priority Evaluation panel has determined that the community as defined in the application fulfills the requirements for pre-existence.

1-B Extension **2/2 Point(s)**

The Community Priority Evaluation panel determined that the community as identified in the application met the criterion for Extension specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook, as the application demonstrates that the community meets the requirements for size and demonstrates longevity. The application received a maximum score of 2 points under criterion 1-B: Extension.

Size

Two conditions must be met to fulfill the requirements for size: the community must be of considerable size, and it must display an awareness and recognition of a community among its members.

The community as defined in the application is of considerable size. While the application does cite global estimates of the self-identified gay/LGBTQIA (lesbian, gay, bisexual, transgender, queer, intersex, and ally) population (1.2% of world population), it does not rely on such figures to determine the size of its community. This is because the applicant requires that any such LGBTQIA individual also be a member of an AP organization in order to qualify for membership of the proposed community. According to the application:

> Rather than projecting the size of the community from these larger global statistical estimates, dotgay LLC has established a conservative plan with identified partners and endorsing organizations (listed in 20F) representing over 1,000 organizations and 7 million members.

The size of the delineated community is therefore still considerable, despite the applicant's requirement that the proposed community members must be members of an AP.

In addition, as previously stated, the community as defined in the application has awareness and recognition among its members. This is because members must be registered with at least one Authenticating Partner (AP). The AP must have both a "presence in the Gay Community[3]", and also "incorporate a focus specific to the Gay Community." By registering as a verifiable member with an AP with these characteristics, individuals would have both an awareness and recognition of their participation and membership in the defined community.

The Community Priority Evaluation panel has determined that the community as defined in the application satisfies both of the conditions to fulfill the requirements for size.

Longevity

Two conditions must be met to fulfill the requirements for longevity: the community must demonstrate longevity and must display an awareness and recognition of a community among its members.

The community as defined in the application demonstrates longevity. The pursuits of the .GAY community[4] are of a lasting, non-transient nature. According to the application materials:

> …one of the first movements for the human rights of the Gay Community was initiated by Magnus Hirschfeld (Scientific Humanitarian Committee, 1897).

The organization of LGBTQIA individuals has accelerated since then, especially in recent decades and an organized presence now exists in many parts of the world. Evidence shows a clear trend toward greater rates of visibility of LGBTQIA individuals, recognition of LGBTQIA rights and community organization, both in the US and other western nations as well as elsewhere.[5] While socio-political obstacles to community

[3] "Gay community" or "LGBTQIA community" are used as vernacular terms to refer to LGBTQIA individuals and organizations, whether or not explicitly included in the applicant's defined community.

[4] The ".GAY community" is understood as the set of individuals and associated organizations defined by the applicant as the community it seeks to represent under the new gTLD.

[5] Haggerty, George E. "Global Politics." In *Gay Histories and Cultures: An Encyclopedia*. New York: Garland, 2000.

organization remain in some parts of the world,[6] the overall historical trend of LGBTQIA rights and organization demonstrates that the community as defined has considerable longevity.

In addition, as previously stated, the community as defined in the application has awareness and recognition among its members. This is because members must be registered with at least one Authenticating Partner (AP). The AP must have both a "presence in the Gay Community", and also "incorporate a focus specific to the Gay Community." By registering as a verifiable member with an AP with these characteristics, individuals would have both an awareness and recognition of their participation and membership in the defined community.

The Community Priority Evaluation panel has determined that the community as defined in the application satisfies both the conditions to fulfill the requirements for longevity.

Criterion #2: Nexus between Proposed String and Community	**0/4 Point(s)**
2-A Nexus	***0/3 Point(s)***

The Community Priority Evaluation panel determined that the application did not meet the criterion for Nexus as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook. The string does not identify or match the name of the community as defined in the application, nor is it a well-known short-form or abbreviation of the community. The application received a score of 0 out of 3 points under criterion 2-A: Nexus.

To receive the maximum score for Nexus, the applied-for string must match the name of the community or be a well-known short-form or abbreviation of the community. To receive a partial score for Nexus, the applied-for string must identify the community. According to the AGB, "'Identify' means that the applied for string closely describes the community or the community members, without over-reaching substantially beyond the community."

The applied-for string neither matches the name of the community as defined by the application nor does it identify the defined community without over-reaching substantially, as required for a full or partial score on Nexus. As cited above:

> The membership criterion to join the Gay Community is the process of 'coming out'. This process is unique for every individual, organization and ally involving a level of risk in simply becoming visible. While this is sufficient for the world at large in order to delineate more clearly, dotgay LLC is also requiring community members to have registered with one of our Authenticating Partners (process described in 20E).

The application, therefore, acknowledges that "the world at large" understands the Gay community to be an entity substantially different than the community the application defines. That is, the general population understands the "Gay community" to be both those individuals who have "come out" as well as those who are privately aware of their non-heterosexual sexual orientation. Similarly, the applied-for string refers to a large group of individuals – all gay people worldwide – of which the community as defined by the applicant is only a part. That is, the community as defined by the applicant refers only to the sub-set of individuals who have registered with specific organizations, the Authenticating Partners.

As the application itself also indicates, the group of self-identified gay individuals globally is estimated to be 1.2% of the world population (more than 70 million), while the application states that the size of the community it has defined, based on membership with APs, is 7 million. This difference is substantial and is indicative of the degree to which the applied-for string substantially over-reaches beyond the community defined by the application.

[6] http://www.theguardian.com/world/2013/jul/30/gay-rights-world-best-worst-countries

Moreover, while the applied-for string refers to many individuals not included in the application's definition of membership (i.e., it "substantially over-reaches" based on AGB criteria), the string also fails to identify certain members that the applicant has included in its definition of the .GAY community. Included in the application's community definition are transgender and intersex individuals as well as "allies" (understood as heterosexual individuals supportive of the missions of the organizations that comprise the defined community)[7]. However, "gay" does not identify these individuals. Transgender people may identify as straight or gay, since gender identity and sexual orientation are not necessarily linked.[8] Likewise, intersex individuals are defined by having been born with atypical sexual reproductive anatomy[9]; such individuals are not necessarily "gay"[10]. Finally, allies, given the assumption that they are heterosexual supporters of LGBTQIA issues, are not identified by "gay" at all. Such individuals may be an active part of the .GAY community, even if they are heterosexual, but "gay" nevertheless does not describe these individuals as required for Nexus by the AGB. As such, there are significant subsets of the defined community that are not identified by the string ".GAY".

The Community Priority Evaluation panel has determined that the applied-for string does not match nor does it identify without substantially over-reaching the name of the community as defined in the application, nor is it a well-known short-form or abbreviation of the community. It therefore does not meet the requirements for Nexus.

2-B Uniqueness ***0/1 Point(s)***

The Community Priority Evaluation panel determined that the application did not meet the criterion for Uniqueness as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook as the string does not score a 2 or a 3 on Nexus. The application received a score of 0 out of 1 point under criterion 2-B: Uniqueness.

To fulfill the requirements for Uniqueness, the "string has no other significant meaning *beyond identifying the community described in the application*," according to the AGB (emphasis added) and it must also score a 2 or a 3 on Nexus. The string as defined in the application cannot demonstrate uniqueness as the string does not score a 2 or a 3 on Nexus (i.e., it does not identify the community described, as above,). The Community Priority Evaluation panel has determined that the applied-for string is ineligible for a Uniqueness score of 1.

Criterion #3: Registration Policies **4/4 Point(s)**

3-A Eligibility ***1/1 Point(s)***

The Community Priority Evaluation panel has determined that the application met the criterion for Eligibility as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook, as eligibility is restricted to community members. The application received a maximum score of 1 point under criterion 3-A: Eligibility.

To fulfill the requirements for Eligibility, the registration policies must restrict the eligibility of prospective registrants to community members. The application demonstrates adherence to this requirement by specifying that:

> .gay is restricted to members of the Gay Community. Eligibility is determined through formal membership with any of dotgay LLC's Authentication Partners (AP) from the community.

The Community Priority Evaluation panel has determined that the application satisfied the condition to fulfill the requirements for Eligibility.

[7] This prevailing understanding of "ally" is supported by GLAAD and others: http://www.glaad.org/resources/ally
[8] http://www.glaad.org/reference/transgender
[9] http://www.isna.org/faq/what_is_intersex
[10] "Gay" is defined by the Oxford dictionaries as "A homosexual, especially a man." The applicant defines the community as "individuals whose gender identities and sexual orientation are outside of the norms defined for heterosexual behavior of the larger society."

3-B Name Selection	***1/1 Point(s)***
The Community Priority Evaluation panel has determined that the application met the criterion for Name Selection as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook, as name selection rules are consistent with the articulated community-based purpose of the applied-for TLD. The application received a maximum score of 1 point under criterion 3-B: Name Selection. To fulfill the requirements for Name Selection, the registration policies must be consistent with the articulated community-based purpose of the applied-for gTLD. The application demonstrates adherence to this requirement by outlining the types of names that may be registered within the .Gay top-level domain, including rules barring "[s]ensitive words or phrases that incite or promote discrimination or violent behavior, including anti-gay hate speech." The rules are consistent with the purpose of the gTLD. The Community Priority Evaluation panel has determined that the application satisfied the condition to fulfill the requirements for Name Selection.	
3-C Content and Use	***1/1 Point(s)***
The Community Priority Evaluation panel has determined that the application met the criterion for Content and Use as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook, as the rules for content and use are consistent with the articulated community-based purpose of the applied-for TLD. The application received a maximum score of 1 point under criterion 3-C: Content and Use. To fulfill the requirements for Content and Use, the registration policies must include rules for content and use for registrants that are consistent with the articulated community-based purpose of the applied-for gTLD. This includes "efforts to prevent incitement to or promotion of real or perceived discrimination based upon race, color, gender, sexual orientation or gender expression." The Community Priority Evaluation panel has determined that the application satisfied the condition to fulfill the requirements for Content and Use.	
3-D Enforcement	***1/1 Point(s)***
The Community Priority Evaluation panel has determined that the application met the criterion for Enforcement as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook, as the application provided specific enforcement measures and appropriate appeal mechanisms. The application received a maximum score of 1 point under criterion 3-D: Enforcement. Two conditions must be met to fulfill the requirements for Enforcement: the registration policies must include specific enforcement measures constituting a coherent set, and there must be appropriate appeals mechanisms. The application outlines policies that include specific enforcement measures constituting a coherent set. The application also outlines a comprehensive list of investigation procedures, and circumstances in which the registry is entitled to suspend domain names. The application also outlines an appeals process, managed by the Registry, to which any party unsuccessful in registration, or against whom disciplinary action is taken, will have the right to access. The Community Priority Evaluation panel has determined that the application satisfies both the conditions to fulfill the requirements for Enforcement.	

Criterion #4: Community Endorsement	**2/4 Point(s)**
4-A Support	***1/2 Point(s)***
The Community Priority Evaluation panel has determined that the application partially met the criterion for Support specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook, as there was documented support from at least one group with relevance. The application received a score of 1 out of 2 points under criterion 4-A: Support. To receive the maximum score for Support, the applicant is, or has documented support from, the recognized community institution(s)/member organization(s), or has otherwise documented authority to represent the community. In this context, "recognized" refers to the institution(s)/organization(s) that, through membership or otherwise, are clearly recognized by the community members as representative of the community. To receive a partial score for Support, the applicant must have documented support from at least one group with relevance. "Relevance" refers to the communities explicitly and implicitly addressed by the application's defined community.	

The Community Priority Evaluation panel has determined that the applicant was not the recognized community institution(s)/member organization(s), nor did it have documented authority to represent the community, or documented support from the recognized community institution(s)/member organization(s). (While the ILGA is sufficient to meet the AGB's requirement for an "entity mainly dedicated to the community" under Delineation (1-A), it does not meet the standard of a "recognized" organization. The AGB specifies that "recognized" means that an organization must be "clearly recognized by the community members as representative of the community." The ILGA, as shown in its mission and activities, is clearly dedicated to the community and it serves the community and its members in many ways, but "recognition" demands not only this unilateral dedication of an organization to the community, but a reciprocal recognition on the part of community members of the organization's authority to represent it. There is no single such organization recognized by the defined community as representative of the community. However, the applicant possesses documented support from many groups with relevance; their verified documentation of support contained a description of the process and rationale used in arriving at the expression of support, showing their understanding of the implications of supporting the application. Despite the wide array of organizational support, however, the applicant does not have the support from the recognized community institution, as noted above, and the Panel has not found evidence that such an organization exists. The Community Priority Evaluation Panel has determined that the applicant partially satisfies the requirements for Support.

4-B Opposition ***1/2 Point(s)***

The Community Priority Evaluation panel has determined that the application partially met the criterion for Opposition specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook, as the application did not receive any relevant opposition. The application received a score of 1 out of 2 points under criterion 4-B: Opposition.

To receive the maximum score for Opposition, the application must not have received any opposition of relevance. To receive a partial score for Opposition, the application must have received opposition from, at most, one relevant group of non-negligible size.

The Community Priority Evaluation panel has determined that there is opposition to the application from a group of non-negligible size, coming from an organization within the communities explicitly addressed by the application, making it relevant. The organization is a chartered 501(c)3 nonprofit organization with full-time staff members, as well as ongoing events and activities with a substantial following. The grounds of the objection do not fall under any of those excluded by the AGB (such as spurious or unsubstantiated claims), but rather relate to the establishment of the community and registration policies. Therefore, the Panel has determined that the applicant partially satisfied the requirements for Opposition.

Disclaimer: Please note that these Community Priority Evaluation results do not necessarily determine the final result of the application. In limited cases the results might be subject to change. These results do not constitute a waiver or amendment of any provision of the Applicant Guidebook or the Registry Agreement. For updated application status and complete details on the program, please refer to the Applicant Guidebook and the ICANN New gTLDs microsite at <newgtlds.icann.org>.

Annex 2A

Bart.Lieben

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Contact Information Redacted

ICANN
12025 Waterfront Drive, Suite 300
Los Angeles, CA 90094-2536
USA

22 October 2015

By email: didp@icann.org

Dear Madam,
Dear Sir,

.GAY Community Priority Re-Evaluation for Application ID 1-1713-23699
Request under ICANN's Documentary Information Disclosure Policy

This request is submitted under ICANN's Documentary Information Disclosure Policy on behalf of dotgay LLC, one of the applicants for the .GAY gTLD (hereinafter referred to as "Requester") in relation to ICANN's Community Priority Re-Evaluation panel's ("CPE Panel") determination that Requester's application for the .GAY gTLD (Application ID: 1-1713-23699; hereinafter referred to as the "Application") did not prevail in Community Priority Evaluation according to the Community Priority Evaluation report available at https://www.icann.org/sites/default/files/tlds/gay/gay-cpe-rr-1-1713-23699-en.pdf (hereinafter: the "Determination").

Context

Reference is made to the second Community Evaluation Report that has been released by ICANN relating to the Requester's Application and published on the ICANN website as referred to above, and ICANN's decision to change the Contention Resolution Status of the Application to "Active" and the Contention Resolution Result to "In Contention".

According to the Determination: *"[t]he Community Priority Evalation panel has determined that the application did not meet the requirements specified in the Applicant Guidebook"*, hereby confirming that the application for the .GAY gTLD that has been submitted by Requester *"did not prevail in Community Priority Evaluation"*.

Considering the fact that, according to the processes and procedures set out in ICANN's Applicant Guidebook, this Determination would result in ICANN (i) not recognizing for the second time the community status of the Applicant and its Application, and (ii) putting the Application again into a contention set with multiple other applicants for the .GAY gTLD, which impacts the Application and the justified claims made by the Applicant in relation to the .GAY gTLD.

According to ICANN, *"ICANN's Documentary Information Disclosure Policy (DIDP) is intended to ensure that information contained in documents concerning ICANN's operational activities,*

and within ICANN's possession, custody, or control, is made available to the public unless there is a compelling reason for confidentiality."[1]

Requester therefore invokes ICANN's accountability mechanisms in order to understand on which information the CPE Panel and ICANN have relied in developing this Determination and deciding that Requester's Application did not meet the criteria for being awarded community status.

Request

In view of transparency of ICANN's decision-making process, the Requester would like to obtain the following information from ICANN under the Documentary Information Disclosure Policy:

1) policies, guidelines, directives, instructions or guidance given by ICANN relating to the Community Priority Evaluation process, including references to decisions by the ICANN Board that such guidelines, directives, instructions or guidance are to be considered "policy" under ICANN by-laws;

2) internal reports, notes, (weekly) meeting minutes drawn up by or on behalf of ICANN, the Community Priority Panels, and other individuals or organizations involved in the Community Priority Evaluation in relation to the Application;

3) detailed information on the evaluation panels that have reviewed Requester's Application during the first CPE that was conducted in 2014, as well as the evaluation panels that have conducted the second CPE in 2015, including the names and respective positions of the members of the evaluation panels;

4) detailed information in relation to (i) the information reviewed, (ii) criteria and standards used, (iii) arguments exchanged, (iv) information disregarded or considered irrelevant, and (v) scores given by each individual Community Priority Evaluation panel member in view of each of the criteria set out in the Applicant Guidebook, and more in particular:

I. In relation to the criterion "Nexus"

5) which information, apart from the information contained in the Application, has been used by the CPE Panel in order to determine that the word "gay" "does not identify or match the name of the community as defined in the Application, nor is it a well-known short-form or abbreviation of the community", notwithstanding the fact that public references to this "catch-all" or "umbrella" term made by reputable organizations prove otherwise;[2]

6) whether, in considering that individuals who qualify as transgenders, intersex or "allies" are not deemed to be members of the community as defined by the

[1] See https://www.icann.org/resources/pages/didp-2012-02-25-en.
[2] http://en.wikipedia.org/wiki/Gay; http://www.economist.com/blogs/johnson/2013/01/gender-and-sexual-orientation; http://www.nytimes.com/2013/01/10/fashion/generation-lgbtqia.html?pagewanted=all&module=Search&mabReward=relbias%3Aw%2C%7B%222%22%3A%22RI%3A18%22%7D&_r=0;

Application, whereas various national, international and supranational organizations such as Parents, Families, and Friends of Lesbians and Gays (PFLAG) and Children of Lesbians and Gays Everywhere (COLAGE), both of which are also endorsing the Requester's Application for the .GAY gTLD,[3] are clearly being recognized as supporting the same causes and endorsing the same values as expressed by the "inner circle" of members of this community, especially since they are closely linked to the thematic remit the community has;

7) based on the CPE Report, it seems that the EIU assumed that an "ally" necessarily would be an individual, notwithstanding various statements Requester has made to the contrary, for instance in the context of its initial Reconsideration Request. Therefore, Requester would like to obtain insights into the definition or concept used by the EIU in order to determine what an "ally" is;[4]

8) in relation to the above: which information, statistics, etc. and criteria to evaluate and weigh the importance of such information have been used in determining that transgenders, intersex, or "allies" would be "substantially" overreaching the term "gay";

9) why, considering the fact that the CPE Panel did not provide passing scores in relation to Requester's answers in relation to the "Nexus between Proposed String and Community" and "Community Endorsement" aspects of the Application, the CPE Panel or ICANN has not reached out to the Requester in the form of Clarifying Questions.

   Although Requester did receive Clarifying Questions in relation to the Community Establishment criterion, no such Clarifying Questions have been received, notwithstanding the fact that the EIU already struggled with Requester's answers during the first CPE.

   Therefore, Requester would like to know, although the CPE Panel and ICANN had the possibility to submit Clarifying Questions to the Applicant according to the process published at http://newgtlds.icann.org/en/applicants/clarification-questions, which have been the reasons, arguments, standards and criteria used by ICANN and the CPE Panel for not doing so, especially in relation to those aspects of its Application that were unclear for the EIU during the first *and* the second CPE.

   Indeed, during the Initial Evaluation process, ICANN has reached out to most, if not all applicants in order to provide additional or more detailed information. Given the fact that Requester has paid a sum exceeding USD 210.000 for submitting the Application and participating to the Community Priority Evaluation, one would expect that as a minimum some outreach would have been performed by ICANN or the CPE Panel, rather than outright dismissing or unilaterally interpreting information provided in the Application *now more than three years after such Application has been submitted to ICANN* and notwithstanding the fact that the EIU already had issues with Requester's answers during the first CPE.

[3] See for instance http://en.wikipedia.org/wiki/Gay.
[4] CPE Guidelines, Page 7.

II. In relation to the criterion "Community Endorsement":

10) which letters of endorsement and/or support have been considered and verified by the CPE Panel in making its Determination, bearing in mind the fact that the BGC has determined that the EIU has made a process error in the context of the first CPE that was performed in 2014. The information provided in the second CPE Report does not allow Requester to distinguish the letters that have been provided by Requester in the context of the Application from the letters that have been published on ICANN's correspondence page or through other means since the publication of the first CPE Report;

11) which criteria and/or standards have been used by the CPE Panel in order to determine which group is "of relevance" in relation to the organizations, companies and individuals that have provided letters of endorsement and/or support in relation to the Application;

12) why, although the CPE Panel has recognized that Requester "possesses documented support from many groups with relevance", only the support of "one group of relevance" has been taken into consideration by the CPE Panel;

13) what were the criteria and standards that have been used by the Panel in making such distinction and coming to such determination;

14) bearing in mind the previous question, why the CPE Panel has come to a different assessment in relation to the standing of ILGA expressed by the Expert Determination provided by the ICDR, which has been acknowledged and endorsed by ICANN in dismissing an official complaint lodged before the ICDR by Metroplex Republicans of Dallas, in which the Requester prevailed; [5]

15) which scores or evaluations have been given to the organizations, companies and individuals that have provided letters of endorsement and/or support in relation to the Application against such criteria and/or standards for each of the organizations, companies and groups referred to in the Application and the CPE Report;

16) if no particular additional criteria and/or standards have been utilized by the CPE Panel, apart from the ones published in the Applicant Guidebook and the Guidelines published by the CPE Panel, a detailed overview of the arguments that have been brought forward and have been adopted or acknowledged by the CPE Panel for not considering the letters of support and/or endorsement from other groups, organizations, companies and individuals;

17) which independent research has been performed by the CPE Panel and how the results of such research have been taken into account by the CPE Panel in the scoring they have applied. Considering the wide endorsement obtained from various umbrella organizations, national and supranational groups, the Determination makes it clear that only one letter of endorsement from one group considered "relevant" by the CPE Panel has been taken into account.

[5] See ICDR Case No. EXP/390/ICANN/7, §13.

III. In relation to the criterion "Opposition":

18) the name, address, and standing of the anonymous organization considered by the CPE Panel;

19) an overview of the staff members, including their names, roles and responsibilities of such organization;

20) the events and activities organized by such organization;

21) which standards and criteria have been used by the CPE Panel in order to determine that such activities had a "substantial" following;

22) the metrics used by ICANN and the Community Priority Evaluation Panels in performing the evaluation; and

23) whether any of the information provided by the Requester to ICANN in relation to potential spurious or unsubstantiated claims made by certain organizations have been taken into account, and – in such event – the reasons for not taking into account such information;

24) in particular, Requester would like to know whether the Community Priority Panel has considered the letter of the Q Center of April 1s , 2015 in which the latter requested the opposition letter of the Q Center to be voided.[6]

Requester appreciates that some of the questions referred to above have been asked before in connection with Requester's initial Request for Information that was submitted in the fall of 2014. Indeed, ICANN did not provide any answer to such questions raised in Requester's initial Request for Information, but anyway decided to publish some of the information requested therein later on. Therefore, Requester respectfully raises these questions again, since ICANN's approach and context have changed since responding to Requester's initial Request for Information.

Standards for Disclosure

Requester is of the opinion that none of the information requested by them meet any of the defined conditions for non-disclosure as set out in ICANN's Documentary Information Disclosure Policy:

- Information provided by or to a government or international organization, or any form of recitation of such information, in the expectation that the information will be kept confidential and/or would or likely would materially prejudice ICANN's relationship with that party.

  Considering the nature and contents of Requester's requests, this standard is not met.

- Internal information that, if disclosed, would or would be likely to compromise the integrity of ICANN's deliberative and decision-making process by inhibiting the candid exchange of ideas and communications, including internal documents, memoranda, and other similar communications to or from ICANN

[6] See https://www.icann.org/en/system/files/correspondence/baxter-to-icann-14apr15-en.pdf.

Directors, ICANN Directors' Advisors, ICANN staff, ICANN consultants, ICANN contractors, and ICANN agents.

Considering the nature and contents of Requester's requests, this standard is not met. Since these requests are made in view of assessing Requester's position and (legal) actions in relation to ICANN potentially awarding the .GAY gTLD to the Requester, and considering the impact such award may have upon Requester, we believe that it is essential for ICANN to provide supplemental information and motivations for its determination to give the Application a passing score in the context of Community Priority Evalation.

- Information exchanged, prepared for, or derived from the deliberative and decision-making process between ICANN, its constituents, and/or other entities with which ICANN cooperates that, if disclosed, would or would be likely to compromise the integrity of the deliberative and decision-making process between and among ICANN, its constituents, and/or other entities with which ICANN cooperates by inhibiting the candid exchange of ideas and communications.

  Considering the nature and contents of Requester's requests, this standard is not met. Since these requests are made in view of assessing Requester's position and possible future (legal) actions in relation to ICANN potentially awarding the .GAY gTLD to Requester, and considering the impact such award may have upon Requester, we believe that it is essential for ICANN to provide supplemental information and motivations for its determination to give the Application a passing score in the context of Community Priority Evalation.

- Personnel, medical, contractual, remuneration, and similar records relating to an individual's personal information, when the disclosure of such information would or likely would constitute an invasion of personal privacy, as well as proceedings of internal appeal mechanisms and investigations.

  Requester believes that this condition does not apply in relation to this request.

- Information provided to ICANN by a party that, if disclosed, would or would be likely to materially prejudice the commercial interests, financial interests, and/or competitive position of such party or was provided to ICANN pursuant to a nondisclosure agreement or nondisclosure provision within an agreement.

  Requester believes that this condition does not apply in relation to this request.

- Confidential business information and/or internal policies and procedures.

  Requester believes that this condition does not apply in relation to this request.

- Information that, if disclosed, would or would be likely to endanger the life, health, or safety of any individual or materially prejudice the administration of justice.

  Requester believes that this condition does not apply in relation to this request.

- Information subject to the attorney– client, attorney work product privilege, or any other applicable privilege, or disclosure of which might prejudice any internal, governmental, or legal investigation.

  Requester believes that this condition does not apply in relation to this request.

- Drafts of all correspondence, reports, documents, agreements, contracts, emails, or any other forms of communication.

  Requester believes that this condition does not apply in relation to this request. The Requester's requests relate to the information, final criteria, standards, arguments and considerations used in view of drafting a determination without taking into account the instructions of the BGC, that lacks clarity and is insufficiently motivated.

- Information that relates in any way to the security and stability of the Internet, including the operation of the L Root or any changes, modifications, or additions to the root zone.

  Requester believes that this condition does not apply in relation to this request.

- Trade secrets and commercial and financial information not publicly disclosed by ICANN.

  Requester believes that this condition does not apply in relation to this request.

- Information requests: (i) which are not reasonable; (ii) which are excessive or overly burdensome; (iii) complying with which is not feasible; or (iv) are made with an abusive or vexatious purpose or by a vexatious or querulous individual.

  As stated above, considering the impact of ICANN awarding the .GAY gTLD may have upon Requester, we believe that it is essential for ICANN to provide supplemental information and motivations for its determination to give the Application a passing score in the context of Community Priority Evalation.

ICANN's transparency obligations, created by ICANN's Bylaws and Articles of Incorporation require the publication of information related to the process, facts and analysis used by individual members of the Community Priority Evaluation panel in preparation of the Determination.

Bylaw Article III, Section 1 provides as follows:

> *"ICANN and its constituent bodies shall operate to the maximum extent feasible in an open and transparent manner and consistent with procedures designed to use fairness."*

Furthermore, Requester refers to ICANN's core mission and values, set out in their by-laws, and in particular, Requester's intention to review the information provided and to be provided by ICANN following this request on the basis of the following values of ICANN:

> *7. Employing open and transparent policy development mechanisms that (i) promote well-informed decisions based on expert advice, and (ii) ensure that those entities most affected can assist in the policy development process.*

Bart.Lieben

Bart Lieben BV ovve BVBA
Grétrystraat 54, 2018 Antwerpen, Belgium
Contact Information Redacted

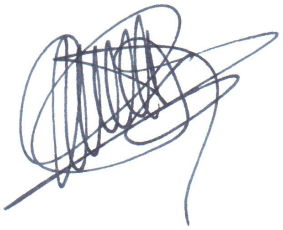
> *8. Making decisions by applying documented policies neutrally and objectively, with integrity and fairness.*
>
> *And*
>
> *10. Remaining accountable to the Internet community through mechanisms that enhance ICANN's effectiveness.*

Furthermore, Article 4 of ICANN's Articles of Incorporation provides:

> *"The Corporation shall operate for the benefit of the Internet community as a whole, carrying out its activities in conformity with relevant principles of international law and applicable international conventions and local law and, to the extent appropriate and consistent with these Articles and its Bylaws, through open and transparent processes that enable open competition and open entry in Internet-related markets. To this effect, the Corporation shall cooperate as appropriate with relevant international organizations."*

Considering the potentially irreparable harm that will be done if ICANN would not take into account the position taken by the Requester as a legitimate competitor for the .GAY gTLD, we respectfully request ICANN to disclose the additional information, criteria, and standards set out above, which have formed the basis of the Determination.

Respectfully submitted,



Bart Lieben
Attorney-at-Law

Annex 2-B

Response to Documentary Information Disclosure Policy Request

To: Bart Lieben on behalf of dotgay LLC

Date: 21 October 2015

Re: Request No. 20151022-1

Thank you for your Request for Information dated 22 October 2015 (Request), which was submitted through the Internet Corporation for Assigned Names and Numbers' (ICANN's) Documentary Information Disclosure Policy (DIDP) on behalf of dotgay LLC (Requester). For reference, a copy of your Request is attached to the email forwarding this Response.

Items Requested

Your Request seeks documentary information relating to the second Community Priority Evaluation (CPE) of dotgay LLC's application for the .GAY gTLD (Application ID: 1-1713-23699), which was completed and for which a CPE Report was issued on 8 October 2015. Specifically, you request the disclosure of:

> 1) policies, guidelines, directives, instructions or guidance given by ICANN relating to the Community Priority Evaluation process, including references to decisions by the ICANN Board that such guidelines, directives, instructions or guidance are to be considered "policy" under ICANN by-laws;
>
> 2) internal reports, notes, (weekly) meeting minutes drawn up by or on behalf of ICANN, the Community Priority Panels, and other individuals or organizations involved in the Community Priority Evaluation in relation to the Application;
>
> 3) detailed information on the evaluation panels that have reviewed Requester's Application during the first CPE that was conducted in 2014, as well as the evaluation panels that have conducted the second CPE in 2015, including the names and respective positions of the members of the evaluation panels;
>
> 4) detailed information in relation to (i) the information reviewed, (ii) criteria and standards used, (iii) arguments exchanged, (iv) information disregarded or considered irrelevant, and (v) scores given by each individual Community Priority Evaluation panel member in view of each of the criteria set out in the Applicant Guidebook, and more in particular:
>
> **I. In relation to the criterion "Nexus"**
>
> 5) which information, apart from the information contained in the Application, has been used by the CPE Panel in order to determine that the word "gay" "does not identify or match the name of the community as defined in the Application,

nor is it a well-known short-form or abbreviation of the community", notwithstanding the fact that public references to this "catch-all" or "umbrella" term made by reputable organizations prove otherwise;

6) whether, in considering that individuals who qualify as transgenders, intersex or "allies" are not deemed to be members of the community as defined by the Application, whereas various national, international and supranational organizations such as Parents, Families, and Friends of Lesbians and Gays (PFLAG) and Children of Lesbians and Gays Everywhere (COLAGE), both of which are also endorsing the Requester's Application for the .GAY gTLD,3 are clearly being recognized as supporting the same causes and endorsing the same values as expressed by the "inner circle" of members of this community, especially since they are closely linked to the thematic remit the community has;

7) based on the CPE Report, it seems that the EIU assumed that an "ally" necessarily would be an individual, notwithstanding various statements Requester has made to the contrary, for instance in the context of its initial Reconsideration Request. Therefore, Requester would like to obtain insights into the definition or concept used by the EIU in order to determine what an "ally" is;

8) in relation to the above: which information, statistics, etc. and criteria to evaluate and weigh the importance of such information have been used in determining that transgenders, intersex, or "allies" would be "substantially" overreaching the term "gay";

9) why, considering the fact that the CPE Panel did not provide passing scores in relation to Requester's answers in relation to the "Nexus between Proposed String and Community" and "Community Endorsement" aspects of the Application, the CPE Panel or ICANN has not reached out to the Requester in the form of Clarifying Questions.

II. In relation to the criterion "Community Endorsement":

10) which letters of endorsement and/or support have been considered and verified by the CPE Panel in making its Determination, bearing in mind the fact that the BGC has determined that the EIU has made a process error in the context of the first CPE that was performed in 2014. The information provided in the second CPE Report does not allow Requester to distinguish the letters that have been provided by Requester in the context of the Application from the letters that have been published on ICANN's correspondence page or through other means since the publication of the first CPE Report;

11) which criteria and/or standards have been used by the CPE Panel in order to determine which group is "of relevance" in relation to the organizations, companies and individuals that have provided letters of endorsement and/or support in relation to the Application;

12) why, although the CPE Panel has recognized that Requester "possesses documented support from many groups with relevance", only the support of "one group of relevance" has been taken into consideration by the CPE Panel;
13) what were the criteria and standards that have been used by the Panel in making such distinction and coming to such determination;

14) bearing in mind the previous question, why the CPE Panel has come to a different assessment in relation to the standing of ILGA expressed by the Expert Determination provided by the ICDR, which has been acknowledged and endorsed by ICANN in dismissing an official complaint lodged before the ICDR by Metroplex Republicans of Dallas, in which the Requester prevailed;

15) which scores or evaluations have been given to the organizations, companies and individuals that have provided letters of endorsement and/or support in relation to the Application against such criteria and/or standards for each of the organizations, companies and groups referred to in the Application and the CPE Report;

16) if no particular additional criteria and/or standards have been utilized by the CPE Panel, apart from the ones published in the Applicant Guidebook and the Guidelines published by the CPE Panel, a detailed overview of the arguments that have been brought forward and have been adopted or acknowledged by the CPE Panel for not considering the letters of support and/or endorsement from other groups, organizations, companies and individuals;

17) which independent research has been performed by the CPE Panel and how the results of such research have been taken into account by the CPE Panel in the scoring they have applied. Considering the wide endorsement obtained from various umbrella organizations, national and supranational groups, the Determination makes it clear that only one letter of endorsement from one group considered "relevant" by the CPE Panel has been taken into account.

III. In relation to the criterion "Opposition":

18) the name, address, and standing of the anonymous organization considered by the CPE Panel;

19) an overview of the staff members, including their names, roles and responsibilities of such organization;

20) the events and activities organized by such organization;

21) which standards and criteria have been used by the CPE Panel in order to determine that such activities had a "substantial" following;

22) the metrics used by ICANN and the Community Priority Evaluation Panels in performing the evaluation; and

23) whether any of the information provided by the Requester to ICANN in relation to potential spurious or unsubstantiated claims made by certain organizations have been taken into account, and – in such event – the reasons for not taking into account such information;

24) in particular, Requester would like to know whether the Community Priority Panel has considered the letter of the Q Center of April 1st, 2015 in which the latter requested the opposition letter of the Q Center to be voided

Response

The standards governing CPE are set forth in Module 4.2 of the New gTLD Applicant Guidebook (Guidebook), and are available at http://newgtlds.icann.org/en/applicants/agb. CPE will occur only if a community-based applicant in contention selects CPE, and after all applications in the contention set have completed all previous stages of the gTLD evaluation process. (*See* Guidebook, § 4.2.) CPEs are performed by independent CPE panels that are coordinated by the Economist Intelligence Unit (EIU), an independent, third-party provider, which contracts with ICANN to perform that coordination role. (*See id.; see also,* CPE webpage at http://newgtlds.icann.org/en/applicants/cpe.) The CPE panel's role is to determine whether a community-based application meets the community priority criteria. (*See id.*) The Guidebook, the CPE Panel Process Document, and the CPE Guidelines (all of which can be accessed at http://newgtlds.icann.org/en/applicants/cpe) set forth the guidelines, procedures, standards and criteria applied to CPEs, and make clear that the EIU and its designated panelists are the only persons or entities involved in the performance of CPEs.

As part of the evaluation process, the CPE panels review and score a community application submitted to CPE against the following four criteria: (i) Community Establishment; (ii) Nexus between Proposed String and Community; (iii) Registration Policies; and (iv) Community Endorsement. An application must score at least 14 out of a possible 16 points to prevail in CPE; a high bar because awarding priority eliminates all non-community applications in the contention set as well as any other non-prevailing community applications. (*See* Guidebook at § 4.2; *see also,* CPE webpage at http://newgtlds.icann.org/en/applicants/cpe.)

To provide transparency of the CPE process, ICANN has established a CPE webpage on the new gTLD microsite, at http://newgtlds.icann.org/en/applicants/cpe, which provides detailed information about CPEs. In particular, the following information can be accessed through the CPE webpage:

- CPE results, including information regarding the Application ID, string, contention set number, applicant name, CPE invitation date, whether the

applicant elected to participate in CPE, and the CPE status. (http://newgtlds.icann.org/en/applicants/cpe#invitations).

- CPE Panel Process Document (http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf).
- EIU Contract and Statement of Work Information (SOW) (http://newgtlds.icann.org/en/applicants/cpe/eiu-contract-sow-information-08apr15-en.zip).
- CPE Guidelines (http://newgtlds.icann.org/en/applicants/cpe/guidelines-27sep13-en.pdf).
- Draft CPE Guidelines (http://newgtlds.icann.org/en/applicants/cpe/guidelines-16aug13-en.pdf).
- Community Feedback on Draft CPE Guidelines (http://newgtlds.icann.org/en/applicants/cpe#invitations).
- Updated CPE Frequently Asked Questions (http://newgtlds.icann.org/en/applicants/cpe/faqs-10sep14-en.pdf).
- CPE Processing Timeline (http://newgtlds.icann.org/en/applicants/cpe/timeline-10sep14-en.pdf).

Preliminary Statement regarding Request No. 20151022-1

As a preliminary matter, many of the items in the Request do not specify whether the request relates to the first CPE of the Application that was performed in 2014 or the re-evaluation that was performed in 2015. Because you have previously filed a similar DIDP Request on 22 October 2014 seeking documents related to the first CPE, for purposes of this Response, we will interpret the Request to relate to the second CPE, unless otherwise specified in the request.

Item No. 1

Item No. 1 seeks "policies, guidelines, directives, instructions or guidance given by ICANN relating to the Community Priority Evaluation process." This request was previously made and responded to in Request No. 20141022-2. (*See* Response to Request No. 20141022-2, Item No. 3, *available at* https://www.icann.org/en/system/files/files/lieben-response-31oct14-en.pdf.) As noted therein, ICANN has published documentary information responsive to this item on the CPE webpage, including, the CPE Panel Process Document (http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf), the CPE Guidelines (http://newgtlds.icann.org/en/applicants/cpe/guidelines-27sep13-en.pdf), Module 4.2 of the Guidebook (http://newgtlds.icann.org/en/applicants/agb/string-

contention-procedures-04jun12-en.pdf), and CPE Processing Timeline (http://newgtlds.icann.org/en/applicants/cpe/timeline-10sep14-en.pdf). Additionally, since ICANN responded to Request No. 20141022-2, it has published the EIU Contract and SOW (http://newgtlds.icann.org/en/applicants/cpe/eiu-contract-sow-information-08apr15-en.zip). Additionally, in response to this DIDP Request, ICANN will provide the email notifications to the EIU with instructions to begin the CPE of dotgay LLC's application for the .GAY TLD that was provided to the EIU in 2014 relating to dotgay's application and the email notification to begin re-evaluation in 2015 that was initiated pursuant to the Board Governance Committee's Determination on Reconsideration Request 14-44.

Item Nos. 2, 3, 4

Item Nos. 2, 3 and 4 seek extensive, detailed information regarding CPE Panels, the materials reviewed, the analysis conducted by the CPE Panel during the first CPE conducted in 2014 as well as the re-evaluation in 2015, as well any internal reports, notes, or meeting minutes by ICANN, the CPE Panels and "other individuals or organizations involved in the CPE in relation to the Application." (Request at pg. 2.) To help assure independence of the process, ICANN (either Board or staff) is not involved with the CPE Panel's evaluation of criteria, scoring decisions, or underlying analyses. The coordination of the CPE Panel, as explained above and in the CPE Panel Process Document, is entirely within the work of the EIU's team. As stated in the CPE Process Document, "[t]he Panel Firm's Project Manager is notified by ICANN that an application is ready for CPE, and the application ID and public comment delivered to the EIU. The EIU is responsible for gathering the application materials and other documentation, including letter(s) of support and relevant correspondence, from the public ICANN website." (*See* CPE Panel Process Document, Pg. 2, http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf.) Thus, except for the notices of commencement of CPE and the public comments submitted on the Application Comments page relating to the, ICANN is not responsible for gathering the materials to be considered by the CPE Panel. As such, ICANN does not have, nor does it collect or maintain, the work papers of the individual CPE panels that may contain the information sought through these items. The end result of the CPE Panel's analysis is the CPE Report, which explains the CPE Panel's determination and scoring, and is available at https://www.icann.org/sites/default/files/tlds/gay/gay-cpe-1-1713-23699-en.pdf and https://www.icann.org/sites/default/files/tlds/gay/gay-cpe-rr-1-1713-23699-en.pdf.

With respect to your request in Item No. 2 for "internal reports, notes, (weekly) meeting minutes drawn up by or on behalf of ICANN, the Community Priority Panels, and other individuals or organizations involved in the Community Priority Evaluation in relation to the Application", this request is vague. It is unclear whether you are seeking internal reports, notes, and weekly meeting minutes relating to the CPEs of the Application or all reports, notes, meeting minutes about the Application in general. To the extent that you are requesting that later, the request is subject to the following DIDP Defined Condition of Nondisclosure:

- Information requests: (i) which are not reasonable; (ii) which are excessive or overly burdensome; and (iii) complying with which is not feasible.

- Internal information that, if disclosed, would or would be likely to compromise the integrity of ICANN's deliberative and decision-making process by inhibiting the candid exchange of ideas and communications, including internal documents, memoranda, and other similar communications to or from ICANN Directors, ICANN Directors' Advisors, ICANN staff, ICANN consultants, ICANN contractors, and ICANN agents.

- Information exchanged, prepared for, or derived from the deliberative and decision-making process between ICANN, its constituents, and/or other entities with which ICANN cooperates that, if disclosed, would or would be likely to compromise the integrity of the deliberative and decision-making process between and among ICANN, its constituents, and/or other entities with which ICANN cooperates by inhibiting the candid exchange of ideas and communications.

- Information subject to the attorney client privilege, attorney work product privilege, or any other applicable privilege, or disclosure of which might prejudice any internal, governmental, or legal investigation.

- Drafts of all correspondence, reports, documents, agreements, contracts, emails, or any other forms of communication.

To the extent that you are requesting these document as it relates to the CPEs, ICANN does not maintain internal notes and meeting minutes in the regular course of business and therefore, ICANN has no documents responsive to this request. As for your request for internal ICANN reports, notes, or meeting minutes relating to the CPEs of the Application, such documents are subject to the following DIDP Defined Condition of Nondisclosure:

- Internal information that, if disclosed, would or would be likely to compromise the integrity of ICANN's deliberative and decision-making process by inhibiting the candid exchange of ideas and communications, including internal documents, memoranda, and other similar communications to or from ICANN Directors, ICANN Directors' Advisors, ICANN staff, ICANN consultants, ICANN contractors, and ICANN agents.

- Information subject to the attorney client privilege, attorney work product privilege, or any other applicable privilege, or disclosure of which might prejudice any internal, governmental, or legal investigation.

With respect to Item No. 3, seeking detailed information on the CPE Panels, to help assure independence of the process and evaluation of CPEs, ICANN does not maintain any information on the identity of the CPE Panelists. ICANN (either Board or staff) is not involved with the selection of a CPE panel's individual evaluators who perform the

scoring in each CPE process, nor is ICANN provided with information about who the evaluators on any individual panel may be. ICANN therefore does not have any documentation responsive to this item. The coordination of a CPE panel, as explained in the CPE Panel Process Document, is entirely within the work of the EIU's team. (*See* CPE Process Documents, Pgs. 2 and 4, http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf.) The CPE Panel Process Document provides a detailed description of the EIU's experience level, qualifications, EIU evaluators and core team. Specifically, the CPE Panel Process Document states:

> The Economist Intelligence Unit (EIU) was selected as a Panel Firm for the gTLD evaluation process. The EIU is the business information arm of The Economist Group, publisher of The Economist. Through a global network of more than 500 analysts and contributors, the EIU continuously assesses political, economic, and business conditions in more than 200 countries. As the world's leading provider of country intelligence, the EIU helps executives, governments, and institutions by providing timely, reliable, and impartial analysis.
>
> The evaluation process respects the principles of fairness, transparency, avoidance of potential conflicts of interest, and non-discrimination. Consistency of approach in scoring applications is of particular importance. In this regard, the Economist Intelligence Unit has more than six decades of experience building evaluative frameworks and benchmarking models for its clients, including governments, corporations, academic institutions and NGOs. Applying scoring systems to complex questions is a core competence.
>
> **EIU evaluators and core team**
>
> The Community Priority Evaluation panel comprises a core team, in addition to several independent 1 evaluators. The core team comprises a Project Manager, who oversees the Community Priority Evaluation project, a Project Coordinator, who is in charge of the day-to- day management of the project and provides guidance to the independent evaluators, and other senior staff members, including The Economist Intelligence Unit's Executive Editor and Global Director of Public Policy. Together, this team assesses the evaluation results. Each application is assessed by seven individuals: two independent evaluators, and the core team, which comprises five people.
>
> The following principles characterize the EIU evaluation process for gTLD applications:

- All EIU evaluators, including the core team, have ensured that no conflicts of interest exist.
- All EIU evaluators undergo regular training to ensure full understanding of all CPE requirements as listed in the Applicant Guidebook, as well as to ensure consistent judgment. This process included a pilot training process, which has been followed by regular training sessions to ensure that all evaluators have the same understanding of the evaluation process and procedures.
- EIU evaluators are highly qualified, they speak several languages and have expertise in applying criteria and standardized methodologies across a broad variety of issues in a consistent and systematic manner.
- Language skills and knowledge of specific regions are also considered in the selection of evaluators and the assignment of specific applications.

(CPE Panel Process Document, Pgs. 1-2, http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf.)

Item Nos. 5 through 24

Item Nos. 5 through 24 seek the disclosure of information related to the CPE Panel's evaluation of criteria, scoring decisions, or underlying analyses. Specifically, Item Nos. 5 through 9 request information related to the Panel's consideration of the "nexus" criterion. Item Nos. 10 through 17 request information related to the Panel's consideration of the "community endorsement" criterion. Item Nos. 17 through 24 request information related to the Panel's consideration of the "opposition" criterion.

As a preliminary matter, the majority of the requests seek information relating to the CPE Panel's evaluation. It is not clear from these items what documents are being requested, if any. The DIDP is intended to ensure that information contained in documents concerning ICANN's operational activities, and within ICANN's possession, custody, or control, is made available to the public unless there are compelling grounds for maintaining confidentiality. As these items do not appear to request documents, as written they are not appropriate under the DIDP. Should the Requester wish to amend these items to clarify what documents they are seeking, ICANN will endeavor to respond to such requests.

Notwithstanding the foregoing, to the extent that the Requester is seeking documentary information related to the Panel's evaluation of the CPE criteria, scoring decisions, or underlying analyses, as noted above, to help assure independence of the process and evaluation of CPEs, ICANN (either Board or staff) is not involved with the CPE Panel's evaluation of criteria, scoring decisions, or underlying analyses. The EIU is responsible for gathering the application materials and other documentation, including letter(s) of support and relevant correspondence, from the public ICANN website, as well as its

analysis of said materials (*See* CPE Panel Process Document, Pg. 2, http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf.) The end result of the CPE Panel's analysis is the CPE Report, which explains the CPE Panel's determination and scoring, and is available at https://www.icann.org/sites/default/files/tlds/gay/gay-cpe-rr-1-1713-23699-en.pdf. Thus, with the exception of the CPE Report, which has been published, ICANN does not have documents that contain the requested information.

The CPE criteria are set forth in Module 4.2.3 of the Guidebook, including the scoring process. (*See* http://newgtlds.icann.org/en/applicants/agb/string-contention-procedures-04jun12-en.pdf.) The CPE Guidelines provide further clarity around the CPE process and scoring principles outlined in the Guidebook. (*See* http://newgtlds.icann.org/en/applicants/cpe/guidelines-27sep13-en.pdf.) Thus, for those items seeking information regarding the evaluation criteria and scoring applied by the Panel (Item Nos. 8, 11, 12, 13, 15, 16, 17, 21, and 22), the responsive information can be found in the Module 4.2.3 of the Guidebook (http://newgtlds.icann.org/en/applicants/agb/string-contention-procedures-04jun12-en.pdf), the CPE Guidelines (http://newgtlds.icann.org/en/applicants/cpe/guidelines-27sep13-en.pdf), and the CPE Report (https://www.icann.org/sites/default/files/tlds/gay/gay-cpe-rr-1-1713-23699-en.pdf).

With respect to those items seeking information about which letters of endorsement and/or opposition were considered by the CPE Panel (Item Nos. 10, 18, 19, 20, 22, 23, and 24), letters in support of or in opposition to an application are publicly posted on the application webpage and ICANN's Correspondence webpages. In this instance, letters regarding dotgay LLC's application for .GAY are available at https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/444, https://www.icann.org/resources/pages/correspondence-2012-09-24-enand http://newgtlds.icann.org/en/program-status/correspondence. With respect to the EIU's actions taken to verify, or the EIU's reliance upon, such letters, in accordance with the CPE Panel Process Document the CPE Panel may review documents and communications, including letters of support or opposition, that are publicly available through a number of resources, including, but not limited to: (a) dotgay's application for .GAY available at https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/444; (b) the Correspondence webpages available at https://www.icann.org/resources/pages/correspondence-2012-09-24-en and http://newgtlds.icann.org/en/program-status/correspondence; (c) the Applicant Comment Forum available at https://gtldcomment.icann.org/comments-feedback/applicationcomment/viewcomments; (d) the Objection Determinations webpage available at http://newgtlds.icann.org/en/program-status/odr/determination; (e) information related to dot gay's Reconsideration Request 14-44 available at https://www.icann.org/resources/pages/14-44-2014-10-22-en. (*See* CPE Panel Process Document at Pg. 2, http://newgtlds.icann.org/en/applicants/cpe/panel-process-07aug14-en.pdf.) As further noted in the CPE Panel Process Document, the EIU reviews ICANN's public correspondence page on a regular basis for recently received

correspondence to assess whether it is relevant to an ongoing evaluation. If it is relevant, the EIU provides the public correspondence to the evaluators assigned to the evaluation of a particular application. (*See id.* at Pg. 5.) ICANN (either Board or staff) is not involved with the CPE Panel's evaluation of criteria, scoring decisions, or underlying analyses, as such ICANN does. Thus, with the exception of the CPE Report, which has been published, ICANN does not have documents that contain the requested information.

Item No. 14 asks "why CPE Panel has come to a different assessment in relation to the standing of the ILGA expressed by the expert Determination provided by the ICDR." As noted above this request seeks information, rather than documents, and is not appropriate for the DIDP. Moreover, the Expert Determination provided by the ICDR to which the Requester references relates to a Community Objection filed by Metroplex Republicans of Dallas against dotgay LLC. (*See* http://newgtlds.icann.org/sites/default/files/drsp/25sep13/determination-1-1-1713-23699-en.pdf.) The criteria for Community Objections are set forth in Module 3.5.4, and are not the same standards as CPE.

About DIDP
ICANN's DIDP is limited to requests for documentary information already in existence within ICANN that is not publicly available. In addition, the DIDP sets forth Defined Conditions of Nondisclosure. To review a copy of the DIDP, please see http://www.icann.org/en/about/transparency/didp. ICANN makes every effort to be as responsive as possible to the entirety of the Request. As part of its accountability and transparency commitments, ICANN continually strives to provide as much information to the community as is reasonable. We encourage you to sign up for an account at MyICANN.org, through which you can receive daily updates regarding postings to the portions of ICANN's website that are of interest because, as we continue to enhance our reporting mechanisms, reports will be posted for public access.

We hope this information is helpful. If you have any further inquiries, please forward them to didp@icann.org.

Annex 3-A

November 28, 2014

RE: Reconsideration Request (14-44) – CPE for dotgay LLC (ID# 1-1713-23699)

To members of ICANN and the ICANN Board Governance Committee,

We and the undersigned organizations and individuals are writing to express our deep concern over the CPE results for the .GAY top-level domain (TLD) community application by dotgay LLC.

Without question the Internet has changed the lives of LGBTQIA people, allowing those who thought they were alone to find others like themselves, opening doors for social and economic opportunities unavailable for our predecessors, and providing life-saving information. For those living in oppressive regimes, communities, and families, the Internet and the information and community-building resources of the Internet have been truly transformative.

The Federation of Gay Games and those joining us in this message applaud the efforts of ICANN to preserve the Internet as a space open to all, and have consistently hoped that the new TLD program would offer vital and unique opportunities in the Internet namespace, especially for communities identified as suspect classes, vulnerable to discrimination or at risk like LGBTQIA people.

We share your goal of making the Internet a tool for making opportunities a reality. For us, it's about sport: ensuring that the Olympic principle of sport for all is a reality for as many athletes as possible. Others focus on improving access to government and corporate contracts, on promoting participation in businesses and institutions, on removing legal obstacles to equality, on enhancing the ability for entrepreneurs and activists to organize.

Education within our community and to the wider world remains a crucial part of achieving success at each juncture. The understanding of the gay community that comes from the ongoing advocacy and outreach from our community organizations opens doors for the LGBTQIA. Our actions reach inside hearts and minds as well as inside governments and corporations. Biases, misconceptions, and misinformation about LGBTQIA people clearly remain a barrier to opportunity, so many of our organizations exist to engage and provide support to victims of such obstacles. Today, we are writing because we strongly believe that the CPE results on the community application of dotgay LLC is an obstacle we need to overcome through education, information, and collaboration.

In creating a community application, dotgay LLC sought open and transparent input from the gay community. It also developed a strategy to encompass and enhance the ability and safety of the greater gay community to advance and thrive online. Hundreds of national and international community groups have been part of this process, yet their endorsements have been almost totally ignored in the CPE review. We are amazed that so

much has rested on semantics. Are we a “community”, and does the string .GAY “represent” us? For all who have supported dotgay LLC's CPE application, the answer has been clear: yes, we are a diverse community, and yes, we want to find ourselves at .GAY.

This claim is not ours alone: abundant research, which seems to have been unconsulted, shows that “gay” is an important term for identifying ourselves. Our organization hosts the “Gay Games”, and they are for everyone who expresses solidarity with LGBTQIA people. It would be absurd for anyone to tell us that we cannot be the “Gay” Games because we welcome everyone who supports sport for all.

We urge you to not let those would benefit financially from an auction for .GAY to cloud your understanding of what our community is, and what we want. The EIU ignored our reality: we want you to hear us and our call for an Internet that reflects our interests and needs, and that offers real opportunities for LGBTQIA people everywhere, even in places where they face persecution, imprisonment, and even death. The Internet is a space of opportunity and solidarity for our community: we need .GAY for our community.

For .GAY to be a space that serves our community, it needs to be administered for our benefit, and not for commercial interests. Without community participation or oversight in .GAY, no tangible opportunity or benefit exists for LGBTQIA people. Instead, confusion and harm are sure to be the result. Our strong and unified message to ICANN is that the limited perspective from which the dotgay LLC application has been evaluated does not reflect the reality, beliefs and opinions of our organization, our community, or those partners and allies endorsing this letter. We collectively view the CPE evaluation of dotgay LLC as flawed, one that inadequately represents a true understanding of our community. It provides a great disservice and disadvantage to LGBTQIA people worldwide.

Serving the public interest includes serving the needs and desires of LGBTQIA people, too. To force the community application into an auction in competition with Standard applications puts the community at great risk. Without a proper and transparent CPE evaluation, given that our community is deemed a “suspect class” and a group “vulnerable” to discrimination, we collectively struggle to understand whose interests are being served by ICANN.

Below you will find the list of affiliates, members, partners, friends and corporations who have lent their signature in support of this Federation of Gay Games statement of concern regarding the ICANN CPE process for community applications and our disagreement with the ICANN CPE result which denies LGBTQIA people community priority status for .GAY.

You have been able stewards for the general interest. We hope and expect that you will continue to do so, and recognize that the general interest requires a space for LGBTQIA people around the world to come together online, and that that space should be .GAY.

We thank you in advance for your consideration of the profound impact your decision will have on so many people around the world.

Les Johnson, Vice President for External Affairs, Federation of Gay Games, Contact Information Redacted

(Please find on the following pages the businesses and organizations that offer their complete support for this letter.)

SUPPORTING BUSINESSES AND ORGANIZATIONS

Ackerman Brown PLLC
is a full service law firm located in the District of Columbia. The firm's attorneys are licensed to practice in the District of Columbia, Maryland, Virginia, Ohio, Pennsylvania, New York, Texas and Illinois. The firm is the largest gay owned law firm in the United States certified by the National Gay and Lesbian Chamber of Commerce.

AIDS Interfaith Ministries
Compassionate care, community education / awareness, assertive advocacy.

Arosa Gay Ski Week in Switzerland
Our organization became one of Europe's favorite Ski Pride Festival and will celebrate its 11th Annual next January.

Balady Promotions
The source for unique promotional products for over 20 years.

BeLonG To
is the national organization for lesbian, gay, bisexual & trans young people in Ireland.

BUEGay
is an Argentinian company with more than 13 years of leadership in the LGBT market.

Capital Area Gay and Lesbian Chamber of Commerce
Advocating, empowering, promoting and facilitating the success of LGBT businesses, professionals and allies in metropolitan Washington.

Çavaria
is the Flemish LGBT umbrella organization and represents more than 120 organizations in the Dutch-speaking region of Belgium.

CenterLink
The Community of LGBT Centers.

Coalition of Activist Lesbians Australia
is a UN-accredited organization working for the equitable inclusion and participation of lesbian women. This organization supports the mission of dot.GAY to their use of their domain. Commercialization and fiscal interests should not over-rule the rights and equitable participation of minority groups. LGBTI people have a right to control their internet use.

Columbia FunMap, Inc. and **www.gayosphere.com**
have been providing valuable information to the gay community for over 33 years.

Community Alliance and Action Network (C.A.A.N)
is a grassroots, volunteer, self-funded, advocacy organization for LGBTQ concerns.

Danny Pryor
an AP award-winning journalist with 15 years' experience in website development and 26 total years in broadcasting and web.

Diverlex Diversidad e Igualdad a Través de la Ley
is a Venezuelan collective organization founded in 2004, aiming at obtaining equal rights for LGBTI population. It has served as the World Trans Secretary of ILGA from 2012 to 2014.

Durban Gay & Lesbian Film Festival
is the only city-based LGBTI film festival in Africa and in 2015 celebrates its 5th festival providing space for human rights workshops, creative workshops, community and public film screenings.

Equal India Alliance
is a non-profit working towards increasing acceptance for LGBTIA individuals in India.

The Fund in the Sun Foundation
was established in 2005 as a not-for-profit public charity dedicated to the LGBT community and Fire Island Pines.

i freedom Uganda
is a sexual minority led digital security and internet freedom organization based in Uganda, we work with sexual minorities in Uganda and their allies the sex workers.

Gay Travel Exchange
is a community of travelers and hosts that makes traveling easier, less expensive and more rewarding.

Greater Palm Springs Pride (pspride.org)
is a 501(c)(3) non-profit community enhancement organization founded to promote the public education and public awareness of individual rights and civil liberties of the lesbian, gay, bisexual and transgender community and to promote the history, diversity and future prosperity of the Greater Palm Springs LGBT community.

Immigration Link
Canadian immigration consultant specializing in Family Class applications for same sex couples.

IGLTA, the International Gay & Lesbian Travel Association
is the leading member-based global organization dedicated to LGBT tourism.

ILGA, the International Lesbian, Gay, Bisexual, Trans and Intersex Association
is a world federation of more than 1200 national and local LGBTI organizations. It is based in Geneva, Switzerland and enjoys consultative status with the UN Economic and Social Council.

InterPride
is the international association of Pride organisers.

James A. Hoffman, LMT

JBaxterDC Web Solutions
is an out and proud web-based business serving the globe for web solutions.

KaleidosScot
is the hub and online cultural and news centre for the LGBTI community of Scotland.

LEGIT-Toronto
Canadian immigration for same sex couples. We help same sex couples with their Canadian immigration needs. Most couples are a foreigner and a Canadian or Canadian Permanent Resident, some are both foreigners.

LGBT Forum "PROGRESS"
is a non-profit organization that gathers LGBTIQ (Lesbian, Gay, Bisexual, Transgender, Intersex and Queer) people in Montenegro and it stands for respect and protection of their human rights and equality in society.

LGBTS Global at Stark State College
A student organization providing a comfortable safe space - where diverse and accepting people socialize, educate, advocate and serve.

MAD MultiMedia, LLC
is a full service printing company complete with traditional offset to digital printing which includes variable data/imagery and also website, storefront and mobile apps development.

Maui Sunseeker LGBT Resort
One of the top hotels for same-sex weddings and honeymoons.

Mosaic LGBT Youth Centre
offers support, education and empowerment to LGBT young persons in London.

The National Association of Gay & Lesbian Real Estate Professionals (NAGLREP)
is a mission based trade organization combining business and advocacy to advance homeownership for the LGBT community.

The National Center for Lesbian Rights (NCLR)
has been advancing the civil and human rights of lesbian, gay, bisexual, and transgender people and their families through litigation, legislation, policy, and public education since it was founded in 1977.

OutCentral
has a mission to connect, educate, empower, and build a positive, energy-filled space for greater Nashville's diverse lesbian, gay, bisexual, and transgender community.

Parents and Friends of Lesbians and Gays South Africa
Our aim is to help parents with lesbian and gay children to come to terms with the fact, and to reconcile them with their children. We raise awareness of the Human Rights issue in regards to the LGBT situation.

Prague4gay
is a guiding agency which takes great pride in having provided exclusive tours to members of the LGBTQIA community visiting Prague since 2005.

Prague Pride Civic Association
is a non-governmental, non-political, non-profit organization promoting a tolerant civil society, fighting homophobia and increasing public awareness of the gay, lesbian, bisexual and transgender community in the Czech Republic.

The Pride Shelter Trust
is Africa's ONLY LGBTI Crisis Shelter based in Cape Town – and we had the pleasure of hosting the FGG annual Meeting in 2008, and support this initiative.

Pride United
is committed to combat state-sponsored homophobia and build social acceptance for LGBTI's around the globe using the strategy of high profile politics.

Q Magazine
is the only A5 free to street monthly glossy magazine of its kind in Australia.

Rainbow Community Kampuches (RoCK)
is an LGBTQ organization run by and for Cambodian LGBTQ. We advocate for recognition and respect for human rights and needs of LGBTQ in Cambodia.

Rainbow Link
We gather LGBT books, CDs and DVDs and give them free to LGBT groups across Canada. We also give them to university, college and school libraries.

Rainbow Wellington
is a community group based in New Zealand's capital city, which advocates on behalf of the local LGBTI communities, offers networking and social opportunities within the communities, and supports other community groups and projects.

Rodan Media
is a media development company specializing in domain and website development and video production for small business.

SPI Marketing
is a boutique LGBT agency with BIG capabilities.

Story Center Productions, LLC
is a film production company based in DC. The company produced CODEBREAKER, an award winning drama documentary about the life and legacy of gay hero Alan Turing.

TierPM
is an Audio Visual and Information Technology staffing and talent solutions agency.

TourGuidePeru
Our compromise is to promote Peru, its heritage and the important message of responsible tourism around the world.

United Belize Advocacy Movement, UniBAM
is an LGBT led human rights advocacy organization that uses rights-base approaches to reduce stigma and discrimination.

Whistler Pride and Ski Festival
.GAY must remain within the community to ensure the interests of the LGBT community are protected and avoid being exploited by commercial interests that do not give back or build community.

The Yerger Group
is the parent company for the entrepreneurial ventures of Ross Yerger, which currently include Yerger Tech, a web and social media development and management company, and Chez Yergs, an elite, not elitist Caribbean Resort.

Annex 3-B

ILGA - International Lesbian, Gay, Bisexual, Trans and Intersex Association

Operations:
Contact Information Redacted

Registered office:
Contact Information Redacted

www.ilga.org • Contact Information Redacted

17 November 2014

To: ICANN Board Governance Committee
CC: Fadi Chehade, Steve Crocker, Akram Atallah, Christine Willet, Thomas Schneider

RE: Reconsideration Request (14-44) – CPE for dotgay LLC (ID# 1-1713-23699)

Dear ICANN and the ICANN Board Governance Committee,

It remains an observation of ILGA that the new gTLD program is falling short of achieving the specific goals of innovation and diversity, especially for LGBTQIA people who have relied on ICANN perusing these goals passionately.

For the past 5 years, LGBTQIA people have openly and transparently engaged in the design of a community .GAY TLD in conjunction with dotgay LLC, which has received global and uncontested support from all segments and sectors in our community, yet has been met with the most unimaginable suspicion and misinterpretation by the ICANN process and competitive interests. ICANN must take a serious look at flaws and inconsistencies of the CPE that have once again failed the LGBTQIA and further threaten the integrity of the new gTLD program.

ILGA has at multiple times been acknowledged by the ICANN process as holding proper standing to represent the community and as a global entity dedicated to the community. This recognition has then been tainted by the EIU with claims that LGBTQIA people do not “recognize” ILGA, despite providing any such evidence or supporting research to validate their claim. ILGA’s annual report, which the EIU acknowledges having had access to, clearly shows our membership has global reach. Visibility and LGBTQIA recognition of local, regional or national members of ILGA (like Human Rights Campaign in the USA or International Day Against Homophobia & Transphobia in France) is the connection the EIU has failed to make. Faulting ILGA for not being a household name is not only a weak metric for such an important evaluation, it undermines the collaborative community effort that has helped ILGA advance the rights and protections of LGBTQIA people on an international stage for the past 36 years.

What ILGA feels is important to make clear, is the fact that LGBTQIA people continue to be one of the most misunderstood and vulnerable populations around the world. The new gTLD program, and now specifically the CPE, have failed to offer results that encompass a full understanding of LGBTQIA people and our community at large. Ensuring that a fair examination of claims being made by the gay community are properly and transparently weighed against calculated yet unsupported claims and

statements made by competitive interests is essential to ensuring that misinformation and misunderstandings do not continue to taint this gay community effort, which quite importantly remains uncontested from within the community. If ICANN is serious about recognizing communities in the new gTLD program, that extend beyond just industries, it must first understand the community and its constituents and ensure balance of competitive assumptions.

To highlight our claim of being "misunderstood," ILGA simply encourages ICANN to examine the long history LGBTI groups have experienced with gaining consultative status in the Economic and Social Council (ECOSOC) at the United Nations. After extensive effort and time, ILGA was the first LGBTI group to be accepted into ECOSOC in 1993. The approval process for other LGBTI groups however, even 20 years later, continues to be extremely difficult involving lengthy in-depth dialogue, explanation and examination of those who make up our community and how it functions.

The experience of LGBTI groups is unlike the majority at ECOSOC, viewed by many as discrimination but officially described as a "need to understand." Often faced with years of questioning before final ECOSOC acceptance is achieved, the review process highlights the overarching claim that as a population, and as a community, there is essential need for greater understanding of LGBTI people to ensure equal treatment and access. ILGA believes this continues to be the key issue with evaluations carried out on the community application for .GAY in ICANN's new gTLD program, including the CPE which has been riddled with inconsistencies.

As ICANN and the Board Governance Committee prepare to review the CPE reconsideration request from dotgay LLC, ILGA urges the review team to take a hard look at how misinformed and incomplete facts about LGBTQIA people and the gay community has led to uninformed decisions in the new gTLD program. The gay community is not trying to "game" ICANN, we are simply striving to contribute to the innovation and diversity goals we understood to be pillars of the new gTLD program.

Best regards,

Renato Sabbadini
Executive Director

Annex 3-C

November 17, 2014

Open Letter To ICANN Board Governance Committee

Re: Reconsideration Request 14-44 (.GAY)

For the past four years, the National Gay & Lesbian Chamber of Commerce of the United States (NGLCC) has been a supportive partner of dotgay LLC and its efforts to bring a community-friendly .GAY domain to the Internet. Our support is part of a larger global network of community endorsements from over 100 countries around the world, including lesbian, gay, bisexual, transgender, queer, intersex, and ally (LGBTQIA) businesses and organizations. With a clear mission to address issues related to safety, visibility, and support for LGBTQIA people, dotgay is the only applicant for .GAY committed to building a trusted domain, community governance, and a 67% giveback from profits.

Founded in 2002, NGLCC is the business advocate and direct link between lesbian, gay, bisexual, and transgender (LGBT) business owners, corporations, and the U.S. government, representing the interest of more than 1.4 million LGBT businesses and entrepreneurs with the United States. Via the NGLCC Global™ division, we also promote the growth of small businesses abroad, recognizing entrepreneurship as the quickest and most effective path to broad-based economic advancement and empowerment of the global LGBT community. NGLCC, NGLCC Global, and our affiliates connect LGBT-owned and allied companies, multinational corporations, domestic and international affiliate chamber leaders and members around the world. We submit this letter through collaboration and endorsement from the Argentina Gay & Lesbian Chamber of Commerce, the Canadian Gay & Lesbian Chamber of Commerce, the Colombian LGBT Chamber of Commerce, and the Mexican Federation of LGBT Entrepreneurs.

NGLCC learned that ICANN has published a scorecard on dotgay's Community Priority Evaluation (CPE) that rejects the widespread desire and need for a community operated .GAY. Despite dotgay receiving praise on a business model and registration policies developed through extensive engagement in the community, we are troubled by claims the application is "overreaching" to include segments beyond "male homosexual" as part of the "inclusive" community model for .GAY. The claim is not only shortsighted and misinformed, it highlights a double standard being applied to dotgay's application that would be exposed with simple research confirming widespread use and understanding of "gay" to identify our varied segments, both within the community itself and as documented in mainstream media. Does the ICANN believe "gay pride" and "gay rights" are unique to homosexual males?

This signal from ICANN is one with which the NGLCC takes serious issue. Although NGLCC agrees with the fact that "gay" is not the singular term to encapsulate our community, it is also our understanding that singularity was not a requirement of CPE. "Well-known short form" or "abbreviation" was the documented criteria, with more points given for "corresponding to" than "closely describing the community." NGLCC is concerned by ICANN accepting the EIU's denial that the term "gay" meets these qualifiers, especially from a global perspective beyond just the English language. ICANN's role, as we see it, is to acknowledge that "gay" meets the Nexus criteria of the Applicant Guidebook, so that valuable CPE points are not incorrectly or unjustly lost.

Contact Information Redacted

nglcc

National Gay & Lesbian Chamber of Commerce®

As a not-for-profit public-benefit corporation, ICANN has without question strayed from its mandate to serve the public interest in the case of .GAY. It is troubling that ICANN has accepted an under-researched, narrowly viewed, and unjust evaluation that disadvantages LGBTQIA people because of semantics that defy common use and understanding of the word "gay" around the world. Forcing an auction for .GAY with non-LGBTQIA interests is shortsighted, undermining, and not in the best interest of the LGBTQIA community.

By denying access and opportunity to those identifying as LGBTQIA because of a poorly executed evaluation and inconsistent application of the CPE guidelines, ICANN is sending a harmful message that fails to align with the fundamental goals of the new gTLD program.

Justin G. Nelson
Co-Founder and President
National Gay & Lesbian Chamber of Commerce

Co-Founder and CEO
National Gay & Lesbian Chamber of Commerce

Pablo de Luca - Co-Founder and President
Argentina Gay & Lesbian Chamber of Commerce

R. Bruce McDonald - Co-Founder, Board Chair
Canadian Gay & Lesbian Chamber of Commerce

CCGLAR
CAMARA DE COMERCIO GAY LESBICA ARGENTINA

cglcc

Felipe Cárdenas G. - CEO
Colombian LGBT Chamber of Commerce

César Casas Ferrer - President
Mexican Federation of LGBT Entrepreneurs

CCLGBTCO

FME LGBT

Contact Information Redacted

Annex 3-D

GAY BUSINESS ASSOCIATION
BCM-GBA, London WC1N 3XX
Tel 0330 088 4005
hello@gba.org.uk
www.gba.org.uk

January 18, 2015

ICANN and the Board Governance
ICANN
newgtld@icann.org

Dear **ICANN and the Board Governance Committee,**

RE: Reconsideration Request 14-44 (.GAY)

Please accept this letter from the Gay Business Association containing our alarm over the CPE results for the .GAY top-level domain (TLD) community application by dotgay LLC.

The Gay Business Association (GBA) is an organisation focused on creating opportunity for lesbian, gay, bisexual and transgender (LGBT) professionals through networking, training and government advocacy. Formed in 1983 as a trade association to fight inequalities faced by LGBT people, GBA is today comprised of businesses, organisations and individuals actively promoting and supporting the seven strands of diversity throughout the United Kingdom, Channel Islands and the Isle of Man.

The ICANN new gTLD program is an initiative of great interest to the GBA and our support of the dotgay LLC community model for .GAY has been in place since 2011.

The Internet is undoubtable an important change agent, especially for those who identify as LGBT, queer or intersex. It has levelled the playing field and created opportunity not previously available in an anti-gay society, opening access where social and economic inequality remained a barrier because of discriminatory policy and practice in the real world. Opportunity is often where progress and equality are achieved for the gay community, and each diverse segment plays an important role in achieving success.
Minimizing or refuting the connection of any LGBT, queer, intersex or allied segment choosing to identify as part of the gay community, especially when it restricts opportunity, simply perpetuates and reveals a level of ignorance or naiveté. This is especially true if a dictionary definition is the only support referenced.
With full knowledge that a process exists for those seeking community priority status, there also exists legitimate authenticity in the dotgay LLC application, representing the dedicated work and collaboration of a cohesive community. To deny our community its opportunity so unjustly and without rebuke, while concealing the details on how such an ill reasoned CPE result was achieved, is both unacceptable and suspect.

Not only has a clear misunderstanding of our community and its members tainted results, but there also appears to be a blatant disregard to facts, letters, support and research provided by the community and dotgay LLC. There exists an unsettling desire by the EIU to protect a single 501c3 organisation and the illusion of opposition created by .GAY competitors before considering the interests of millions who rely and depend on the advocacy and leadership of those who have helped design and even endorse the dotgay LLC application.

Notwithstanding the ICANN policy and procedure compromises dotgay LLC identified in reconsideration request 14-44, it is GBA's opinion that more effort was put into finding ways to deny points then to understanding how our community warranted points. If ICANN is committed to introducing innovation, it should look long and hard at the community .GAY model delivered and ensure that reconsideration of the CPE results are approved.

Yours sincerely

Stephen Coote
Director, GBA

Annex 3-E

DURBAN GAY & LESBIAN FILM FESTIVAL
2011 • 2012 • 2013 • 2014 • 2015

Telephone: +27 31 811 0959 | Fax: +27 86 545 9839 | Mobile:Contact Information Redacte
Email: info@dglff.org.za | Website: www.dglff.org.za | Skype:Contact Information Re
Post: P. O. Box 51190, Musgrave Road, 4062, South Africa
Office: 88 Clark Road, Glenwood, Durban, KwaZulu-Natal, South Africa
The DGLFF is a sole proprietorship company (Jason Fiddler: Festival Director/Proprietor)
Annual proceeds from the Durban Gay & Lesbian Film Festival are donated to the KwaZulu-Natal Society of Arts (KZNSA) and KZN Gay & Lesbian Tourism Association
(Both are registered non-profit organizations)

15 January 2015

Dear ICANN and the Board Governance Committee,

Reconsideration Request 14-44 (.GAY)

As proud South Africans, the Durban Gay & Lesbian Film Festival (DGLFF) thanks ICANN for bringing ICANN 47 to our city in the province of KwaZulu-Natal, South Africa. Delegates from our organization were thrilled to participate throughout the week and appreciate the opportunities this creates here in Africa. ***Please accept this letter from DGLFF containing our trepidations over the CPE findings for the .GAY community application by Dotgay LLC.***

DGLFF is the first city-based LGBTI film festival to ever be established in Africa and has played a pivotal role in bringing education and visibility to the gay community across the continent for the past 4 years. The festival is an independent platform for filmmakers from South Africa and across the world to specifically address topics relating to Lesbian, Gay, Bisexual, Transgendered and Intersexed (LGBTI) issues, especially those that deal with human rights and issues of human sexuality in their work.

DGLFF is an inclusive showcase that highlights all segments of the gay community, including segments that ICANN's CPE evaluators have laid claims to have no association to the word *gay*. Despite the segments identified by the EIU being among the most invisible, most misunderstood and of minority population within the gay community, it is disturbing that the EIU has taken liberty to exclude them from consideration, regardless of the technical justifications it may have had. It is festivals like the DGLFF that continue to expose and celebrate the multiplicity of our community. We do not necessarily view the term *gay* as non-inclusive nor do we deem mainstream media's use of the term on occasion broadly defining our diversity.

The gay community is broader and more encompassing of diverse self-identifications, and does not need strict definitions being applied by the EIU. At the EIU's own admission there are transgender people who identify as gay, dispelling the attempt to create exclusive "boxes" for each segment of our community. The DGLFF does not believe it is appropriate for the EIU to err as it has in trying to take literal definition, connotations and interpretations and use such to deny our community representation regarding the Dotgay LLC application, which we remain firmly in support of. This, in spite we are sure of the best intentions, is tantamount to a dictation to us globally and this is not correct.

Of other concern is the EIU's position on allies of the gay community. There appears to be a clear double standard exercised by the EIU by refusing Nexus points because of the inclusion of support segments of the gay community while acknowledging and approving support segments of communities on other applications like .HOTEL. If marketing support firms for hotels can be deemed acceptable community members, it is both unreasonable and prejudice to not permit supporters of the gay community to be included. Fair's fair now.

We look forward to ICANN taking a very close look at the request submitted by dotgay LLC for a CPE reconsideration and presume ICANN will take corrective action.

Yours Faithfully

Jason Fiddler, Festival Director 

Annex 3-F

December 15, 2014

RE: Reconsideration Request 14-44 (.GAY)

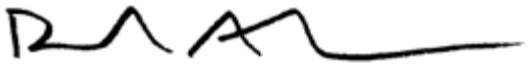
Dear ICANN and the Board Governance Committee,

I am writing this letter as a follow up to a document I submitted in April 2014 regarding the use of the word "gay" as a clear match of the string and the name of the community, but that "gay" also has a clear and common use for identifying the community. In my letter in April I presented research evidence that demonstrated clearly that gender and sexual minorities refer to themselves and are referred to by journalists and other parties as "gay" more than any other term. In that letter I argued that language structures reality and that "gay" is a globally agreed term to refer to the community targeted in dotgay LLC's application.

I am troubled that this research was not considered by the Economist Intelligence Unit (EIU) in their evaluation of the dotgay community application. I am further troubled that in their evaluation of the use of the word "gay" the evaluators relied on a simple dictionary definition. This is ultimately very naïve. It is also ironic that points were not awarded on the nexus criteria despite the fact that the EIU linked magazine *The Economist* regularly uses "gay" to refer to the same community constituents that the EIU claims dotgay overreaches to include. In the January 2014 issue, as one example, the magazine speaks of "gay-pride events" and in the July 2013 issue the publication speaks about "gay rights in South-East Asia."

I wonder why evidence was not considered by the EIU evaluators, especially when it represents actual data. I also wonder why the EIU offered no reference or reasoning to refute the facts I presented. It is clear to me that if the research and related arguments were considered, or the EIU was held accountable, that the community evaluation would have turned out very differently. At the very least, I would hope that my research would be consulted.

Best regards,



David Gudelunas, Ph.D.
Associate Professor of Communication and Chair, Department of Communication
Co-Director of Women, Gender and Sexuality Studies
Fairfield University
Contact Information Redacted

Annex 3-G

federatie van nederlandse verenigingen
tot integratie van homoseksualiteit **coc nederland**

ICANN and Board Governance Committee

Ref.nr.: 15.003 / 6.20.2

Amsterdam, 14 January 2015

Dear ICANN and the Board Governance Committee,

Please accept this letter from COC Netherlands containing our alarm over last year´s CPE results for the .GAY top-level domain (TLD) community application by dotgay LLC.

COC Netherlands is the oldest organization in the world that works on the emancipation of lesbian, gay, bisexual and transgender (LGBT) people. Being established in 1946 COC Netherlands has been at the forefront of achieving legal equality and promoting social acceptance for LGBT people. COC Netherlands is an LGBT-organisation active on a regional, national but also international level. Our organization is one of the founders of ILGA. We work with the United Nations, European Union, Council of Europe, OSCE and African Union. COC Netherlands has consultative status at the Economic and Social Council of the United Nations. Delegates from our organization also traveled to London and participated in ICANN 50 during 2014.

The ICANN new gTLD program is an initiative of great interest to the COC and our support of the dotgay LLC community model for .GAY has been in place since 2011.
The Internet is undoubtable an important change agent, especially for those who identify as LGBT, queer or intersex. It has leveled the playing field and created opportunity not previously available in an anti-gay society, opening access where social and economic inequality remained a barrier because of discriminatory policy and practice in the real world. Opportunity is often where progress and equality are achieved for the gay community, and each diverse segment plays an important role in achieving success.

Minimizing or refuting the connection of any LGBT, queer, intersex or allied segment choosing to identify as part of the gay community, especially when it restricts opportunity, is simply bad practice and ignorant by any modern day standard. This is especially true if a dictionary definition is the only illustrated reference.
With full knowledge that a process exists for those seeking community priority status, there also exists legitimate authenticity in the dotgay LLC application, representing the dedicated work and collaboration of our cohesive community. To deny our community its opportunity so unjustly and without rebuke, while concealing the details on how such an ill reasoned CPE result was achieved, is both unacceptable and suspect.

Not only has a clear misunderstanding of our community and its members tainted results, but there also appears to be a blatant disregard to facts, letters, support and research provided by dotgay LLC and community organizations like ours. There exists an unsettling desire by the EIU to protect a single 501c3 organization, and the illusion of opposition created by .GAY competitors, before considering the interests of millions who rely and depend on the advocacy and leadership of those who have helped design and even endorse the dotgay LLC application.

Contact Information Redacted

Aside from the ICANN policy and procedure compromises dotgay LLC has identified in reconsideration request 14-44, it is COC's opinion that more effort was put into finding ways to deny points then to understanding how our community and dotgay LLC's application warranted points.

If ICANN is committed to introducing TLD innovation and serving the global public interest, it should look long and hard at the .GAY community model delivered and ensure that reconsideration of the CPE results are approved.

We look forward to the BGC granting a reconsideration of the CPE evaluation for dotgay LLC's community application for .GAY.

Yours sincerely,

Tanja Ineke
President COC Nederland

Annex 3-H

November 28, 2014

RE: Reconsideration Request (14-44) – CPE for dotgay LLC (ID# 1-1713-23699)

To members of ICANN and the ICANN Board Governance Committee,

We and the undersigned organizations and individuals are writing to express our deep concern over the CPE results for the .GAY top-level domain (TLD) community application by dotgay LLC.

Without question the Internet has changed the lives of LGBTQIA people, allowing those who thought they were alone to find others like themselves, opening doors for social and economic opportunities unavailable for our predecessors, and providing life-saving information. For those living in oppressive regimes, communities, and families, the Internet and the information and community-building resources of the Internet have been truly transformative.

The Federation of Gay Games and those joining us in this message applaud the efforts of ICANN to preserve the Internet as a space open to all, and have consistently hoped that the new TLD program would offer vital and unique opportunities in the Internet namespace, especially for communities identified as suspect classes, vulnerable to discrimination or at risk like LGBTQIA people.

We share your goal of making the Internet a tool for making opportunities a reality. For us, it's about sport: ensuring that the Olympic principle of sport for all is a reality for as many athletes as possible. Others focus on improving access to government and corporate contracts, on promoting participation in businesses and institutions, on removing legal obstacles to equality, on enhancing the ability for entrepreneurs and activists to organize.

Education within our community and to the wider world remains a crucial part of achieving success at each juncture. The understanding of the gay community that comes from the ongoing advocacy and outreach from our community organizations opens doors for the LGBTQIA. Our actions reach inside hearts and minds as well as inside governments and corporations. Biases, misconceptions, and misinformation about LGBTQIA people clearly remain a barrier to opportunity, so many of our organizations exist to engage and provide support to victims of such obstacles. Today, we are writing because we strongly believe that the CPE results on the community application of dotgay LLC is an obstacle we need to overcome through education, information, and collaboration.

In creating a community application, dotgay LLC sought open and transparent input from the gay community. It also developed a strategy to encompass and enhance the ability and safety of the greater gay community to advance and thrive online. Hundreds of national and international community groups have been part of this process, yet their endorsements have been almost totally ignored in the CPE review. We are amazed that so

Contact Information Redacted • www.gaygames.org

much has rested on semantics. Are we a “community”, and does the string .GAY “represent” us? For all who have supported dotgay LLC's CPE application, the answer has been clear: yes, we are a diverse community, and yes, we want to find ourselves at .GAY.

This claim is not ours alone: abundant research, which seems to have been unconsulted, shows that “gay” is an important term for identifying ourselves. Our organization hosts the “Gay Games”, and they are for everyone who expresses solidarity with LGBTQIA people. It would be absurd for anyone to tell us that we cannot be the “Gay” Games because we welcome everyone who supports sport for all.

We urge you to not let those would benefit financially from an auction for .GAY to cloud your understanding of what our community is, and what we want. The EIU ignored our reality: we want you to hear us and our call for an Internet that reflects our interests and needs, and that offers real opportunities for LGBTQIA people everywhere, even in places where they face persecution, imprisonment, and even death. The Internet is a space of opportunity and solidarity for our community: we need .GAY for our community.

For .GAY to be a space that serves our community, it needs to be administered for our benefit, and not for commercial interests. Without community participation or oversight in .GAY, no tangible opportunity or benefit exists for LGBTQIA people. Instead, confusion and harm are sure to be the result. Our strong and unified message to ICANN is that the limited perspective from which the dotgay LLC application has been evaluated does not reflect the reality, beliefs and opinions of our organization, our community, or those partners and allies endorsing this letter. We collectively view the CPE evaluation of dotgay LLC as flawed, one that inadequately represents a true understanding of our community. It provides a great disservice and disadvantage to LGBTQIA people worldwide.

Serving the public interest includes serving the needs and desires of LGBTQIA people, too. To force the community application into an auction in competition with Standard applications puts the community at great risk. Without a proper and transparent CPE evaluation, given that our community is deemed a “suspect class” and a group “vulnerable” to discrimination, we collectively struggle to understand whose interests are being served by ICANN.

Below you will find the list of affiliates, members, partners, friends and corporations who have lent their signature in support of this Federation of Gay Games statement of concern regarding the ICANN CPE process for community applications and our disagreement with the ICANN CPE result which denies LGBTQIA people community priority status for .GAY.

You have been able stewards for the general interest. We hope and expect that you will continue to do so, and recognize that the general interest requires a space for LGBTQIA people around the world to come together online, and that that space should be .GAY.

We thank you in advance for your consideration of the profound impact your decision will have on so many people around the world.

Les Johnson, Vice President for External Affairs, Federation of Gay Games,Contact Information Redacted

(Please find on the following pages the businesses and organizations that offer their complete support for this letter.)

SUPPORTING BUSINESSES AND ORGANIZATIONS

Ackerman Brown PLLC
is a full service law firm located in the District of Columbia. The firm's attorneys are licensed to practice in the District of Columbia, Maryland, Virginia, Ohio, Pennsylvania, New York, Texas and Illinois. The firm is the largest gay owned law firm in the United States certified by the National Gay and Lesbian Chamber of Commerce.

AIDS Interfaith Ministries
Compassionate care, community education / awareness, assertive advocacy.

Arosa Gay Ski Week in Switzerland
Our organization became one of Europe's favorite Ski Pride Festival and will celebrate its 11th Annual next January.

Balady Promotions
The source for unique promotional products for over 20 years.

BeLonG To
is the national organization for lesbian, gay, bisexual & trans young people in Ireland.

BUEGay
is an Argentinian company with more than 13 years of leadership in the LGBT market.

Capital Area Gay and Lesbian Chamber of Commerce
Advocating, empowering, promoting and facilitating the success of LGBT businesses, professionals and allies in metropolitan Washington.

Çavaria
is the Flemish LGBT umbrella organization and represents more than 120 organizations in the Dutch-speaking region of Belgium.

CenterLink
The Community of LGBT Centers.

Coalition of Activist Lesbians Australia
is a UN-accredited organization working for the equitable inclusion and participation of lesbian women. This organization supports the mission of dot.GAY to their use of their domain. Commercialization and fiscal interests should not over-rule the rights and equitable participation of minority groups. LGBTI people have a right to control their internet use.

Columbia FunMap, Inc. and **www.gayosphere.com**
have been providing valuable information to the gay community for over 33 years.

Community Alliance and Action Network (C.A.A.N)
is a grassroots, volunteer, self-funded, advocacy organization for LGBTQ concerns.

Danny Pryor
an AP award-winning journalist with 15 years' experience in website development and 26 total years in broadcasting and web.

Diverlex Diversidad e Igualdad a Través de la Ley
is a Venezuelan collective organization founded in 2004, aiming at obtaining equal rights for LGBTI population. It has served as the World Trans Secretary of ILGA from 2012 to 2014.

Durban Gay & Lesbian Film Festival
is the only city-based LGBTI film festival in Africa and in 2015 celebrates its 5th festival providing space for human rights workshops, creative workshops, community and public film screenings.

Equal India Alliance
is a non-profit working towards increasing acceptance for LGBTIA individuals in India.

The Fund in the Sun Foundation
was established in 2005 as a not-for-profit public charity dedicated to the LGBT community and Fire Island Pines.

i freedom Uganda
is a sexual minority led digital security and internet freedom organization based in Uganda, we work with sexual minorities in Uganda and their allies the sex workers.

Gay Travel Exchange
is a community of travelers and hosts that makes traveling easier, less expensive and more rewarding.

Greater Palm Springs Pride (pspride.org)
is a 501(c)(3) non-profit community enhancement organization founded to promote the public education and public awareness of individual rights and civil liberties of the lesbian, gay, bisexual and transgender community and to promote the history, diversity and future prosperity of the Greater Palm Springs LGBT community.

Immigration Link
Canadian immigration consultant specializing in Family Class applications for same sex couples.

IGLTA, the International Gay & Lesbian Travel Association
is the leading member-based global organization dedicated to LGBT tourism.

ILGA, the International Lesbian, Gay, Bisexual, Trans and Intersex Association
is a world federation of more than 1200 national and local LGBTI organizations. It is based in Geneva, Switzerland and enjoys consultative status with the UN Economic and Social Council.

InterPride
is the international association of Pride organisers.

James A. Hoffman, LMT

JBaxterDC Web Solutions
is an out and proud web-based business serving the globe for web solutions.

KaleidosScot
is the hub and online cultural and news centre for the LGBTI community of Scotland.

LEGIT-Toronto
Canadian immigration for same sex couples. We help same sex couples with their Canadian immigration needs. Most couples are a foreigner and a Canadian or Canadian Permanent Resident, some are both foreigners.

LGBT Forum "PROGRESS"
is a non-profit organization that gathers LGBTIQ (Lesbian, Gay, Bisexual, Transgender, Intersex and Queer) people in Montenegro and it stands for respect and protection of their human rights and equality in society.

LGBTS Global at Stark State College
A student organization providing a comfortable safe space - where diverse and accepting people socialize, educate, advocate and serve.

MAD MultiMedia, LLC
is a full service printing company complete with traditional offset to digital printing which includes variable data/imagery and also website, storefront and mobile apps development.

Maui Sunseeker LGBT Resort
One of the top hotels for same-sex weddings and honeymoons.

Mosaic LGBT Youth Centre
offers support, education and empowerment to LGBT young persons in London.

The National Association of Gay & Lesbian Real Estate Professionals (NAGLREP)
is a mission based trade organization combining business and advocacy to advance homeownership for the LGBT community.

The National Center for Lesbian Rights (NCLR)
has been advancing the civil and human rights of lesbian, gay, bisexual, and transgender people and their families through litigation, legislation, policy, and public education since it was founded in 1977.

OutCentral
has a mission to connect, educate, empower, and build a positive, energy-filled space for greater Nashville's diverse lesbian, gay, bisexual, and transgender community.

Parents and Friends of Lesbians and Gays South Africa
Our aim is to help parents with lesbian and gay children to come to terms with the fact, and to reconcile them with their children. We raise awareness of the Human Rights issue in regards to the LGBT situation.

Prague4gay
is a guiding agency which takes great pride in having provided exclusive tours to members of the LGBTQIA community visiting Prague since 2005.

Prague Pride Civic Association
is a non-governmental, non-political, non-profit organization promoting a tolerant civil society, fighting homophobia and increasing public awareness of the gay, lesbian, bisexual and transgender community in the Czech Republic.

The Pride Shelter Trust
is Africa's ONLY LGBTI Crisis Shelter based in Cape Town – and we had the pleasure of hosting the FGG annual Meeting in 2008, and support this initiative.

Pride United
is committed to combat state-sponsored homophobia and build social acceptance for LGBTI's around the globe using the strategy of high profile politics.

Q Magazine
is the only A5 free to street monthly glossy magazine of its kind in Australia.

Rainbow Community Kampuches (RoCK)
is an LGBTQ organization run by and for Cambodian LGBTQ. We advocate for recognition and respect for human rights and needs of LGBTQ in Cambodia.

Rainbow Link
We gather LGBT books, CDs and DVDs and give them free to LGBT groups across Canada. We also give them to university, college and school libraries.

Rainbow Wellington
is a community group based in New Zealand's capital city, which advocates on behalf of the local LGBTI communities, offers networking and social opportunities within the communities, and supports other community groups and projects.

Rodan Media
is a media development company specializing in domain and website development and video production for small business.

SPI Marketing
is a boutique LGBT agency with BIG capabilities.

Story Center Productions, LLC
is a film production company based in DC. The company produced CODEBREAKER, an award winning drama documentary about the life and legacy of gay hero Alan Turing.

TierPM
is an Audio Visual and Information Technology staffing and talent solutions agency.

TourGuidePeru
Our compromise is to promote Peru, its heritage and the important message of responsible tourism around the world.

United Belize Advocacy Movement, UniBAM
is an LGBT led human rights advocacy organization that uses rights-base approaches to reduce stigma and discrimination.

Whistler Pride and Ski Festival
.GAY must remain within the community to ensure the interests of the LGBT community are protected and avoid being exploited by commercial interests that do not give back or build community.

The Yerger Group
is the parent company for the entrepreneurial ventures of Ross Yerger, which currently include Yerger Tech, a web and social media development and management company, and Chez Yergs, an elite, not elitist Caribbean Resort.

Aibai Culture & Education Center
A non-profit organization based in China. Its mission is to promote equal rights for LGBT communities who speak Chinese.

Ambush Magazine
Gulf South LGBT Entertainment Travel Guide since 1982.

B Magazine
National print magazine for gay men.

boiMAGazine
A lifestyle publication, distributed in print in the greater Chicagoland area and distributed online to the US and rest of the world.

Community Marketing, Inc.
The leading LGBT market research, communications and corporate training firm, founded in 1992.

Compete Magazine
The world's only sports diversity print publication.

Fenuxe Magazine
Atlanta's LGBT magazine concerning life, style, community, and the world at large. We stand with you in this fight.

Florida Sustainability Partners
FLSP is a management consulting conglomerate based in Fort Lauderdale, providing clients with professional expertise in editorial reporting, corporate communications, investor relations, sustainability analysis, digital media, leadership, business development and executive education.

The Gayly newspaper
The south-central region's only LGBT news source.

GRAB Magazine
A bi-weekly GLBTQ magazine in Chicago.

Guidetogay.com
The largest non dating social network/app and travel site on the planet. The current definition of “gay” has been around longer than the Internet itself. We believe it represents our community inclusively. Gay men, women, trans folk and intersex all claim gay as an umbrella term that identifies love, acceptance and community. The extension by default is our communities to work with - and we need an acceptable organisation to work with us to make sure the domain extension is not abused.

Hotspots Media Group
The largest LGBT media company in Florida with over 245,000 unique visitors to our site not to mention our weekly publications.

Lesbian News
LN is the vehicle for the experience of women's art, music, literature, film's, and history.

Los Angeles LGBT Center
The world’s largest provider of programs and services for LGBT people.

Metrosource Magazine
A leading LGBT lifestyle magazine in our 25th year. We have 3 editions of our publication, a NY, LA and national edition with a print circulation of 125,000 copies per issue, the largest print circulation for the LGBT community.

National Gay Media Association
A group of the best LGBT newspapers in the United States.

Out Leadership
Develops innovative and forward-thinking initiatives to leverage LGBT opportunities across a range of industries. Designed to engage senior and emerging leaders and leverage the collective power of our corporate partners, Out Leadership’s global initiatives impact business results, develop talent and drive equality forward. These initiatives operate within three industry-specific verticals: Out on the Street, Out in Law, and Out in Insurance.

PASSPORT Magazine
Celebrating 14 years this year, is the leading source of travel journalism dedicated to the LGBT audience.

Positive Health Publications, Inc.
Publishers of HIV Positive! magazine. Helping people with HIV not just survive, but thrive!

Pride Live Nation
Accelerates awareness and support for the LGBT community via social advocacy and community engagement to advance the fight for full equality.

QNotes
Arts. Entertainment. News. Views – Serving the Carolina's LGBT community for almost 30 years.

Rivendell Media
The leading LGBT media rep. firm in the USA.

Team Sydney
The umbrella organisation for all the Gay and Lesbian Sporting clubs in Sydney who support a healthy lifestyle through sport.

Trans-Fuzja
A transgender organization providing support services for trans people and working on advocacy towards advancing human rights of trans people in Poland.

United and Strong
A human rights NGO, representing marginalised groups on Saint Lucia.

XY Magazine
National print magazine for young gay men.

Annex 3-I

KwaZulu-Natal Gay & Lesbian Tourism Association (Non-*Profit Organisation Registration 096 435 NPO*)
In association with the KwaZulu-Natal Tourism Authority
Contact Information Redacted
Contact Information Redacted
Contact Information Redacted
Contact Information Redacted
Contact Information Redacted
Tourism KZN Liaison: V. KuzwayoContact Information Redacted

Website: www.kzngalta.org.za

To ICANN and the Board Governance Committee

Re: Reconsideration Request 14-44 (.GAY)

I write to you as Chairperson of the KwaZulu-Natal Gay and Lesbian Tourism Association (KZNGALTA) regarding a matter of grave concern – The .GAY community application by Dotgay LLC.

KZNGALTA is a non-profit community organisation based in Durban, RSA which in 2014 celebrated 10 years of existence. KZNGALTA's main objectives are to a) empower its membership through official representation at other tourism platforms; b) promote the province of KwaZulu-Natal as a gay and lesbian friendly tourism destination; c) educate the provincial tourism community of KZN about the positive attributes and the significant benefits of niche-marketed gay and lesbian tourism in the province and d) promote acceptance of the gay and lesbian community as a positive contributor to society. As such we liaise with and advise the KwaZulu-Natal Tourism Authority (TKZN) on its broader tourism development strategy and specifically on those aspects involving or aimed at gay and lesbian tourists and tourism products; provide a forum for gay and lesbian participants in the broader tourism sector to interact, network and develop business ties.

It is important that ICANN be reminded of the challenges that lesbian, gay, bisexual, transgender and intersex (LGBTI) people face as a community on a daily basis, both from those who inadvertently repress or discriminate and those who maliciously take aim at our fundamental human rights. Our role as an organisation is to help tackle these societal challenges, rooted in sexual orientation and gender identity, through advocacy and education. If we don't do it ourselves as a community, the challenges will continue.

LGBTI people are considered a vulnerable population by international bodies and nation states, and that title does not come without cause. Despite this recognition, it remains the painstaking effort of LGBTI

people and our allies to create change; through public policy, legal protections and cultural acceptance. It needs to be stated that societal change would not exist without our own community's sweat equity.

What is found to be concerning about the CPE evaluation of the Dotgay LLC application is the lack of transparency, overlooked communication blunders, inconsistent application of the rulings, weak metrics and documented violations of the CPE rules. In any arena of review this would be a red flag, but when you add the context of the vulnerable population being on the losing end of the decision it only creates a greater grade of concern.

A global community effort went into creating a community model for .GAY. ICANN has failed to recognize the value of this at every level and continued to side with those who aim to profit from the community instead of acknowledging a community effort that simply aims to protect and support itself. We have deep questions about how ICANN is serving the global public interest by forcing the community to buy the .GAY TLD.

We look forward to ICANN putting careful review into the reconsideration request by Dotgay LLC and expect that ICANN will take the necessary steps to ensure it is granted.

Kind regards,

Shaun Kruger,
Chairperson

KwaZulu-Natal Gay & Lesbian Tourism Association
(NPO Registration :: 096-435 NPO ::)

Annex 3-J

Parents and Friends of Lesbians and Gays

NPO number: 091 797

Pflag -South Africa

Toti branch (for KZN)

email: Contact Information Redacted

facebook: Pflag-South Africa

cell: Contact Information Redacted

5th February 2015

RE: CPE FOR DOTGAY LLC (.GAY)

Dear ICANN and the Economist Intelligence Unit,

I am the co-founder of Parents and Friends of Lesbians and Gays (PFLAG) South Africa and I would like to contribute the following statements and information to the CPE panel for .GAY.

PFLAG South Africa is a support group of volunteers who are passionate about life and dedicated to the building of healthy empowered lesbian, gay, bisexual, transgender and intersex (LGBTI) persons in South Africa and internationally.

PFLAG caters to the needs of those closest to LGBTI persons, often to address the misunderstandings and misinformation that surrounds the gay community and what it really means to be LGBTI. PFLAG is considered among the strongest allies of the gay community, linked in large part by family, and our group is inherently and often exposed to the same societal stigma of LGBTI persons.

There have been questions of the inclusion of allies within the gay community, such as PFLAG and others like GSA Network and COLAGE. Anyone who knows the plight of LGBTI persons throughout the world can have no doubt as to how critical, and risky, the membership of allies are to the gay community and how important it is for ICANN to recognize them as such.

I would like to offer the following information for the CPE panel to further demonstrate the point.
We look forward to a successful CPE result in the coming months.

Sincerely,

Kim Lithgow
(Co-founder of Amanzimtoti branch and Head of Pflag South Africa)

"Sexuality is not a choice.
Pflag promotes understanding and acceptance.
Together, we are keeping families together."

Parents and Friends of Lesbians and Gays

NPO number: 091 797

Pflag -South Africa

Toti branch (for KZN)

email: Contact Information Redacted

facebook: Pflag-South Africa

cell: Contact Information Redacted

5th February 2015

Corporate Allies

First and foremost many allies are corporate entities which do not have gender. Though some enterprises do identify themselves as a gay friendly enterprise, many of those who are allies support the community in many ways, e.g by hiring community members and making sure that there is a gay friendly environment for all employees. Corporations seek to create a safe environment and one where LGBTI people feel they can succeed in. This includes Employee Resource Groups (ERGs) which are inclusive of internal "allies" who support the gay community internally and externally. Many of these corporations choose to show their support for the community by joining the gay community organizations. These organizations generally have very stringent requirements for such membership in the community as the community looks to them for a metric on how gay-friendly a company is. Metrics are reported and promoted annually. Some of the example requirements are:

Anti-discrimination workplace policies
LGBTQI partner benefits
LGBTQI health benefits
LGBTQI employee resource groups
LGBTQI sponsorships of nonprofit organizations or events

The corporations often do this at a risk, and at a cost. In sense when these corporations come out as being part of and supporting the gay community they have been known to come under consumer and sometimes political pressure. Some examples that have been in the news of such risks include:

Consumer boycotts and protest
Board and Stockholder conflict
International trade conflicts with countries that criminalize being gay
Overlooked on new business & contracts
Jeopardized business partnerships & distribution channels
Endorsement withdrawals

Other Allies

Another kind of ally we find is the person who is perhaps not ready to come out, but who is looking for the gay community support during the process of coming out, a process that can destroy one's life, lose one their family and sometimes land them in jail.

As the Pew Research poll1 shows, being out is not a single state. A person can be out on the Internet but not out in the workplace or to their families. In many cultures the Internet and the various organizations on the Internet, many of whom will likely serve as Authentication Partners for the .GAY domain, are the first and sometimes only places where the questioning can come in contact with the gay community. In many cases, since they cannot risk declaring themselves as out, they register as allies. While many countries may make it impossible for organizations, businesses and individuals to own a domain (Russia, gay propaganda bill), .GAY resources will be available to the end user in a trusted .GAY environment.

Annex 3-K

i freedom Uganda Network

February 1, 2015

RE: CPE scoring for .GAY (dotgay LLC)

Dear ICANN and the EIU,

I offer this perspective from i freedom Uganda Network, an organization in Uganda dedicated to the protection and expansion of civil rights of the LGBTI. We remain a strong proponent and supporter for a community .GAY, and aim to draw attention to statements we believe are important to the CPE process.

The Applicant Guidebook on Page 196 includes the following two statements:

"With respect to "Delineation" and "Extension," it should be noted that a community can consist of legal entities (for example, an association of suppliers of a particular service), of individuals (for example, a language community) or of a logical alliance of communities (for example, an international federation of national communities of a similar nature). All are viable as such, provided the requisite awareness and recognition of the community is at hand among the members."

"With respect to "Delineation," if an application satisfactorily demonstrates all three relevant parameters (delineation, pre-existing and organized), then it scores a 2."

The gay community meets all the criteria in several ways. It consists of legal entities that serve the public interest of the gay community. It is composed of a group of individuals all of whom recognize themselves as members of a community that existed before they were born and which will exist long after they are gone. It is a mesh of aggregating associations of associations, all dedicated to serving the gay community's needs for over a century. Each of these alone satisfies the requirement of delineation. If anything the gay community is the richest community possible in terms of delineation.

In its zeal to make the conditions as hard as possible, contrary to the spirit of serving community TLDs, the previous CPE panel criticized the fact that none of the hundreds of organizations that are part of the dotgay LLC application would be recognized by all members of the gay community. Much has been made of there not being any single association that is known to all members of the community. This is an absurd requirement that goes beyond the requirements in the Applicant Guidebook. The gay community knows they have representatives even if they can't necessarily name them. It is also a stringency of requirement that no other community that passed the CPE has had to deal with: does every hotel, or even hotelier, or even future hotel know the name of the designated global hotel

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association for the community TLD? Does every sports team or sportsman or sportswoman, or future teams and sportspeople know the name of the designated sports association for the community TLD? Did every broadcast station in Europe know the name of the EBU? Of course not. It is a strange absolutism that places such a burden on the gay community, a community that is often delineated and known by the discrimination against it.

What is more important is that the hotel association cared about hotels, all hotels, even those who knew nothing of the association. Or that the sports association cared about all local sports associations, even those that did not know the sports association. What is most important is that the many global gay community organizations cared about all members of the gay community, no matter which of the sub-designations of LGBTQIA a member of that gay community associated with, and they will continue to care about them into the future. All members of the gay community may not know about all of the associations that care for the gay community, but they all know that there are organizations that do care for them.

When it comes to the human rights of the gay community, ILGA does not discriminate among the gay community members, it supports them all, as serving the entire community is in its charter, whether each individual in the community knows it or not. When it comes to travel, the International Gay & Lesbian Travel Association supports all gay travel related businesses within the gay community whether they know about the association or not. When it comes to community centers, all know their local community center is there to help when needed, even if they don't know that their community center belongs to a global association of gay community centers.

The gay community could not be more delineated, pre-existing or organized. dotgay LLC is the one our community has selected and endorsed to serve the community with the .gay TLD. Make no mistake about that.

Even those of us living under governmental repression know that we are part of a gay community doing its best to look after our interests, even while our governments, who also recognize our community in the act of repressing it, do their best to make our lives a misery.

Sincerely,

Kelly Daniel Mūkwano
Executive Director

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Annex 3-L

November 17, 2014

Open Letter To ICANN Board Governance Committee

Re: Reconsideration Request 14-44 (.GAY)

For the past four years, the National Gay & Lesbian Chamber of Commerce of the United States (NGLCC) has been a supportive partner of dotgay LLC and its efforts to bring a community-friendly .GAY domain to the Internet. Our support is part of a larger global network of community endorsements from over 100 countries around the world, including lesbian, gay, bisexual, transgender, queer, intersex, and ally (LGBTQIA) businesses and organizations. With a clear mission to address issues related to safety, visibility, and support for LGBTQIA people, dotgay is the only applicant for .GAY committed to building a trusted domain, community governance, and a 67% giveback from profits.

Founded in 2002, NGLCC is the business advocate and direct link between lesbian, gay, bisexual, and transgender (LGBT) business owners, corporations, and the U.S. government, representing the interest of more than 1.4 million LGBT businesses and entrepreneurs with the United States. Via the NGLCC Global™ division, we also promote the growth of small businesses abroad, recognizing entrepreneurship as the quickest and most effective path to broad-based economic advancement and empowerment of the global LGBT community. NGLCC, NGLCC Global, and our affiliates connect LGBT-owned and allied companies, multinational corporations, domestic and international affiliate chamber leaders and members around the world. We submit this letter through collaboration and endorsement from the Argentina Gay & Lesbian Chamber of Commerce, the Canadian Gay & Lesbian Chamber of Commerce, the Colombian LGBT Chamber of Commerce, and the Mexican Federation of LGBT Entrepreneurs.

NGLCC learned that ICANN has published a scorecard on dotgay's Community Priority Evaluation (CPE) that rejects the widespread desire and need for a community operated .GAY. Despite dotgay receiving praise on a business model and registration policies developed through extensive engagement in the community, we are troubled by claims the application is "overreaching" to include segments beyond "male homosexual" as part of the "inclusive" community model for .GAY. The claim is not only shortsighted and misinformed, it highlights a double standard being applied to dotgay's application that would be exposed with simple research confirming widespread use and understanding of "gay" to identify our varied segments, both within the community itself and as documented in mainstream media. Does the ICANN believe "gay pride" and "gay rights" are unique to homosexual males?

This signal from ICANN is one with which the NGLCC takes serious issue. Although NGLCC agrees with the fact that "gay" is not the singular term to encapsulate our community, it is also our understanding that singularity was not a requirement of CPE. "Well-known short form" or "abbreviation" was the documented criteria, with more points given for "corresponding to" than "closely describing the community." NGLCC is concerned by ICANN accepting the EIU's denial that the term "gay" meets these qualifiers, especially from a global perspective beyond just the English language. ICANN's role, as we see it, is to acknowledge that "gay" meets the Nexus criteria of the Applicant Guidebook, so that valuable CPE points are not incorrectly or unjustly lost.

Contact Information Redacted

nglcc

National Gay & Lesbian Chamber of Commerce®

As a not-for-profit public-benefit corporation, ICANN has without question strayed from its mandate to serve the public interest in the case of .GAY. It is troubling that ICANN has accepted an under-researched, narrowly viewed, and unjust evaluation that disadvantages LGBTQIA people because of semantics that defy common use and understanding of the word "gay" around the world. Forcing an auction for .GAY with non-LGBTQIA interests is shortsighted, undermining, and not in the best interest of the LGBTQIA community.

By denying access and opportunity to those identifying as LGBTQIA because of a poorly executed evaluation and inconsistent application of the CPE guidelines, ICANN is sending a harmful message that fails to align with the fundamental goals of the new gTLD program.

Justin G. Nelson
Co-Founder and President
National Gay & Lesbian Chamber of Commerce

Co-Founder and CEO
National Gay & Lesbian Chamber of Commerce

Pablo de Luca - Co-Founder and President
Argentina Gay & Lesbian Chamber of Commerce

R. Bruce McDonald - Co-Founder, Board Chair
Canadian Gay & Lesbian Chamber of Commerce

CCGLAR
CAMARA DE COMERCIO GAY LESBICA ARGENTINA

cglcc

Felipe Cárdenas G. - CEO
Colombian LGBT Chamber of Commerce

César Casas Ferrer - President
Mexican Federation of LGBT Entrepreneurs

CCLGBTCO

FME LGBT

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Annex 3-M

ICANN & EIU

Dear Sirs

I submit the following comments in relation to the exclusive use of the Oxford English Dictionary in the context of the new gTLD application by dotgay LLC for the string .GAY.

The Oxford English Dictionary definition of "gay" is semantically insufficient.

"gay":
Gay meaning 'homosexual' became established in the 1960s as the term preferred by homosexual men to describe themselves. It is now the standard accepted term throughout the English-speaking world. As a result, the centuries-old other senses of gay meaning either 'carefree' or 'bright and showy' have more or less dropped out of natural use. The word gay cannot be readily used today in these older senses without arousing a sense of double entendre, despite concerted attempts by some to keep them alive. Gay in its modern sense typically refers to men (lesbian being the standard term for homosexual women) but in some contexts it can be used of both men and women.

Firstly, it is using non specific formulation *"...in some contexts it (gay) can be used of both men and women"*, without any further explanation of what contexts are meant.

Such a vague terminology obscures the understanding of any contextual meaning of the word. By doing so, it is misleadingly stressing the term "gay" as "*homosexual men*" as the only understandable meaning.

It completely neglects semantic context of "gay" in terms of "gay community".

Moreover, a definition of "gay community" is missing from the Oxford English Dictionary entirely!

For example in medical dictionary (http://medical-dictionary.thefreedictionary.com/Gay+Community) figures this definition:

"gay community":
"A loosely coherent group of gay, lesbian, bisexual and transgendered individuals and their supporters,organizations and subcultures, united by a philosophy and culture that accepts non-traditional partnerships, lifestyles, and relationships."

From this definition it is clear that term "gay community" provides such context in which not only homosexual women are associated with the term "gay", but also bisexuals, transgender persons and also their supporters. This context is neglected by the current definition in the OED.

I strongly suggest, the OED to replace a vague and sloppy formulation *"...in some contexts..."* by a specific description of the meaning of "gay" in the semantic context of the term "gay community".

As it was similarly acknowledged by the Gender Equity Resource Center at The University of California, Berkeley. (http://geneq.berkeley.edu/lgbt_resources_definiton_of_terms#gay)

"gay":
"Men attracted to men. Colloquially used as an umbrella term to include all LGBTIQ people."

Yours faithfully

PhDr. Petr Prokopík, Ph.D
Faculty of Humanities
Charles University in Prague
Contact Information Redacted

Collaborates with:
Center for Behavioral & Addiction Medicine
Center for HIV Identification, Prevention, and Treatment Services
UCLA Department of Family Medicine
10880 Wilshire Blvd, Suite 1800
Los Angeles, CA 90024-4142

Co-signers:
Alex Jiang,
Execute Director of Aibai Culture & Education Center (China)

Peter Dankmeijer,
Director of Global Alliance for LGBT Education (GALE) Foundation
(The Netherlands)

Annex 3-N

ILGA - International Lesbian, Gay, Bisexual, Trans and Intersex Association

Operations:
Contact Information Redacted

Registered office:
Contact Information Redacted

www.ilga.org • Contact Information Redacted

17 November 2014

To: ICANN Board Governance Committee
CC: Fadi Chehade, Steve Crocker, Akram Atallah, Christine Willet, Thomas Schneider

RE: Reconsideration Request (14-44) – CPE for dotgay LLC (ID# 1-1713-23699)

Dear ICANN and the ICANN Board Governance Committee,

It remains an observation of ILGA that the new gTLD program is falling short of achieving the specific goals of innovation and diversity, especially for LGBTQIA people who have relied on ICANN perusing these goals passionately.

For the past 5 years, LGBTQIA people have openly and transparently engaged in the design of a community .GAY TLD in conjunction with dotgay LLC, which has received global and uncontested support from all segments and sectors in our community, yet has been met with the most unimaginable suspicion and misinterpretation by the ICANN process and competitive interests. ICANN must take a serious look at flaws and inconsistencies of the CPE that have once again failed the LGBTQIA and further threaten the integrity of the new gTLD program.

ILGA has at multiple times been acknowledged by the ICANN process as holding proper standing to represent the community and as a global entity dedicated to the community. This recognition has then been tainted by the EIU with claims that LGBTQIA people do not “recognize” ILGA, despite providing any such evidence or supporting research to validate their claim. ILGA’s annual report, which the EIU acknowledges having had access to, clearly shows our membership has global reach. Visibility and LGBTQIA recognition of local, regional or national members of ILGA (like Human Rights Campaign in the USA or International Day Against Homophobia & Transphobia in France) is the connection the EIU has failed to make. Faulting ILGA for not being a household name is not only a weak metric for such an important evaluation, it undermines the collaborative community effort that has helped ILGA advance the rights and protections of LGBTQIA people on an international stage for the past 36 years.

What ILGA feels is important to make clear, is the fact that LGBTQIA people continue to be one of the most misunderstood and vulnerable populations around the world. The new gTLD program, and now specifically the CPE, have failed to offer results that encompass a full understanding of LGBTQIA people and our community at large. Ensuring that a fair examination of claims being made by the gay community are properly and transparently weighed against calculated yet unsupported claims and

statements made by competitive interests is essential to ensuring that misinformation and misunderstandings do not continue to taint this gay community effort, which quite importantly remains uncontested from within the community. If ICANN is serious about recognizing communities in the new gTLD program, that extend beyond just industries, it must first understand the community and its constituents and ensure balance of competitive assumptions.

To highlight our claim of being "misunderstood," ILGA simply encourages ICANN to examine the long history LGBTI groups have experienced with gaining consultative status in the Economic and Social Council (ECOSOC) at the United Nations. After extensive effort and time, ILGA was the first LGBTI group to be accepted into ECOSOC in 1993. The approval process for other LGBTI groups however, even 20 years later, continues to be extremely difficult involving lengthy in-depth dialogue, explanation and examination of those who make up our community and how it functions.

The experience of LGBTI groups is unlike the majority at ECOSOC, viewed by many as discrimination but officially described as a "need to understand." Often faced with years of questioning before final ECOSOC acceptance is achieved, the review process highlights the overarching claim that as a population, and as a community, there is essential need for greater understanding of LGBTI people to ensure equal treatment and access. ILGA believes this continues to be the key issue with evaluations carried out on the community application for .GAY in ICANN's new gTLD program, including the CPE which has been riddled with inconsistencies.

As ICANN and the Board Governance Committee prepare to review the CPE reconsideration request from dotgay LLC, ILGA urges the review team to take a hard look at how misinformed and incomplete facts about LGBTQIA people and the gay community has led to uninformed decisions in the new gTLD program. The gay community is not trying to "game" ICANN, we are simply striving to contribute to the innovation and diversity goals we understood to be pillars of the new gTLD program.

Best regards,

Renato Sabbadini
Executive Director

Annex 3-O

February 1, 2015

RE: Community Priority Evaluation for .GAY (dotgay LLC)

To members of ICANN and the Economist Intelligence Unit:

There have been questions about whether the string GAY qualifies as an established name by which the community of LGBTQIA people is commonly known to its own members and to the world at large. ICANN and the EIU have already received media research*, submitted by Dr. David Gudelunas, Chair of the Department of Communication at Fairfield University, presenting evidence that the term GAY is frequently, and without confusion, used interchangeably around the world with terms that refer to any and all groupings of LGBTQIA individuals.

As the former Editor in Chief of *The Advocate,* America's national gay newsmagazine, I concur with Dr. Gudelunas. My staff and I alternated these terms in nearly every story we wrote. Each of the acronyms we used to describe our many constituencies was important, yet none could stand as a collective noun to embrace us all. Therefore we used GAY as the best descriptor of our community as a whole—often to sum up a story that began with more specific terms like lesbian, transgender, or LGBT. This style is consistent in the gay press and, as Dr. Gudelunas noted, in the mainstream press as well.

To further illustrate, several samplings are noted below, including two recent articles from *The Economist*. These examples show that the term GAY, which 40 years ago was understood to refer primarily to homosexual men, has expanded in the 21st century to mean the community of non-heterosexual people. In today's media, the string GAY is not just a well-known short-form or abbreviation of the community—it is the one term that is recognizable to people around the world, no matter what language they speak.

Given that political correctness is not a metric being examined in the new gTLD program, the media research findings show clear alignment with the claims made in the dotgay LLC application.

Sincerely,

Anne Stockwell

Former Editor in Chief,
The Advocate
Los Angeles, California
Contact Information Redacted

* https://www.icann.org/en/system/files/correspondence/gudelunas-to-icann-eiu-evaluators-30apr14-en.pdf

Media references:

The Economist – October 11, 2014

> In many places attacking the rights of gay people can still be politically useful and popular
>
> IN THE argot of human rights, LGBT means lesbian, gay, bisexual, transgender—a catch-all term for sexual minorities. But Yahya Jammeh, president of Gambia for 20 years, has a different reading. "As far as I am concerned," he thundered during a televised speech in February, "LGBT can only stand for leprosy, gonorrhoea, bacteria and tuberculosis." He compared gay people to vermin, and said his government would fight them as it does malaria-bearing mosquitoes, "if not more aggressively".

The Economist – October 11, 2014

> Today gay sex is legal in at least 113 countries. Gay marriages or civil unions are recognised in three dozen and parts of others. In most of the West it is no longer socially acceptable to be homophobic. Gay life in China is now both legal and, in cities, undisguised. Latin America is even more gay-friendly: 74% of Argentines and 60% of Brazilians believe that society should accept homosexuality. Thais are more relaxed about transgender people than Westerners are. South Africa's constitution is remarkably pro-gay.

The Atlantic – November 29, 2014

> The positive link between rights and development is clear: Countries that come closer to full equality for LGBT people have higher levels of GDP per capita over the 22 years we studied.
>
> Even after we take into account other differences across countries that matter for GDP growth, like capital stock and international trade, we still find a strong positive effect of gay rights.

New York Post – October 18, 2014

> How the gay community shamefully lets Clintons off the hook
>
> Few political allegiances are more inexplicable than the love affair between Bill Clinton and America's LGBT community.

New York Times – January 9, 2013

> Sure, Penn already had some two dozen gay student groups, including Queer People of Color, Lambda Alliance and J-Bagel, which bills itself as the university's "Jewish L.G.B.T.Q.I.A. Community." But none focused on gender identity (the closest, Trans Penn, mostly catered to faculty members and graduate students).
>
> PENN has not always been so forward-thinking; a decade ago, the L.G.B.T. Center (nestled amid fraternity houses) was barely used. But in 2010, the university began reaching out to applicants whose essays raised gay themes.

New York Times – January 27, 2015

> The church's announcement, an attempt to placate all sides of a divisive issue, astonished some lawmakers in the halls of Utah's Capitol, who called it a watershed moment that could reconfigure the debate over gay rights in their socially conservative state. With the church now backing nondiscrimination laws, a bill offering such protections to those who are lesbian, gay, bisexual and transgender now appears more likely to pass after years of being stalled in the Legislature.

Washington Post – December 19, 2014

> The Salvation Army went all out in its outreach on LGBT issues after a string of embarrassing incidents, including an Australian official's 2012 comments that suggested that death as a consequence of being gay is part of the organization's belief system, and a Vermont employee's claim that she was fired for being bisexual. The Salvation Army issued an apology for the Australian official's comments and the organization has tried to emphasize its outreach to LGBT individuals online with a series of glossy video testimonials.

Central Queensland News – date not included

> HOMOPHOBIC attacks are par for the course for Gladstone's gay community - especially when the Observer is publishing them.
>
> "Most lesbian, gay, bisexual, and transgender (LGBT) people move away to places where being gay is more acceptable."

Sowetan – July 31, 2014

> Signed by Uganda's veteran President Yoweri Museveni in February, the law calls for homosexuals to be jailed for life, outlaws the promotion of homosexuality and obliges Ugandans to denounce gays to the authorities.
>
> Rights groups say the law has triggered a sharp increase in arrests and assaults of members of the country's lesbian, gay, bisexual and transgender (LGBT) community.

South China Morning Post – March 14, 2014

> We also wanted to direct the LGBT community to 'safe' places, like restaurants and bars that would make them feel welcome; places where they would not raise eyebrows just because they were gay.

EKantipur.com (Nepal) – October 27, 2013

> When the Supreme Court on December 21, 2007 ruled that the new democratic government must create laws to protect LGBTI rights and change existing laws that are tantamount to discrimination, it handed an unopposed victory to the lesbian, gay, bisexual, transgender and inter-sex (LGBTI) rights movement. It also marked Nepal's fast-growing reputation as the most gay-friendly nation in Asia even as it continues its transition from a Hindu monarchy to a republic.

Annex 3-P

International Gay & Lesbian Travel Association

Contact Information Redacted

Contact Information Redacted

18 December, 2014

RE: Reconsideration Request 14-44 (.GAY)

Dear ICANN and the Board Governance Committee,

In response to the recent CPE results issued for the .GAY top-level domain (TLD) community application, please accept this letter in support of reconsideration for dotgay LLC.

The International Gay & Lesbian Travel Association (IGLTA) is one of many organizations in the gay community that has had the privilege and resources to engage in ICANN's multi-stakeholder process. Not only has our attendance at ICANN meetings dating back to Prague helped us to better understand how ICANN works, but the Community Objections session hosted by the International Chamber of Commerce in Paris and subsequent objection filings has further rooted and schooled our organization in ICANN process. We consider ourselves and the gay community to be valuable ICANN stakeholders and by way of IGLTA's participation, thousands of valuable stakeholder voices within the gay community are amplified.

Our observation, as stakeholders who have been silenced and disappointed by the ICANN process on numerous occasions thus far, is that ICANN has lost sight of how to best serve the public interest because of the cloud of litigation. A focus on process completion that is void of common sense or a forward-looking acknowledgement of future complications is both short sighted and reckless. ICANN must take caution with .GAY and not be blinded by its own process limitations.

IGLTA fully acknowledges that untested processes will have growing pains, but it doesn't excuse ICANN from its mandate to put the public interest ahead of others' interests. This is especially true when evidence shows that other interests have not played fairly in the process. ICANN is poised to grow and strengthen its stakeholder model by simply doing right by the gay community, otherwise ICANN risks alienating millions at the expense of pleasing only a few.

As an organization mandated to serve the public interest, ICANN has an obligation to use its influence for the protection and betterment of the people, especially when that calls for representing the underrepresented and vulnerable segments of society.

Not unlike the recent International Olympic Committee decision that restricts hosting eligibility to those countries without anti-gay laws, ICANN has the same opportunity to be as bold and affiliate with the right side of history. Countries now ineligible to host the Olympics will certainly take issue with the IOC decision, but the IOC will move forward as an organization knowing that they have acted in the public interest, and subsequently removed the larger concern for public safety, human rights and future litigation.

International Gay & Lesbian Travel Association

Contact Information Redacted

Contact Information Redacted

The IGLTA calls on ICANN and the BGC to reconsider the CPE results for dotgay LLC. Doing so shows that caution and care is being given to the .GAY TLD; one that is not only certain to impact the gay community and LGBTQIA people everywhere, but also a reflection of ICANN's competence to serve the public interest.

Sincerely,

John Tanzella | President/CEO
IGLTA – the leading LGBT global tourism resource

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Annex 4-A

COMMUNITY PRIORITY EVALUATION PANEL AND ITS PROCESSES

Overview

At the time of submitting the new gTLD application, applicants had the opportunity to designate themselves as a community-based application, as prescribed in the section 1.2.3 of the Applicant Guidebook (AGB).

Community Priority Evaluation (CPE) is defined in section 4.2 of the AGB, and allows a community based-application to undergo an evaluation against the criteria as defined in section 4.2.3 of the AGB, to determine if the application warrants the minimum score of 14 points (out of a maximum of 16 points) to earn priority and thus win the contention set.

Only community-based applicants are eligible to participate in a community priority evaluation. A determination by a community priority panel, appointed by ICANN, must be made before a community name is awarded to an applicant. This determination will be based on the string and the completeness and validity of supporting documentation.

There are two possible outcomes to a Community Priority Evaluation:

- Determination that the application met the CPE requirements specified in the Applicant Guidebook (Section 4.2.2) to receive priority over other applications for the same or confusingly similar string = Prevailed.
- Determination that the application did not meet the CPE requirements specified in the Applicant Guidebook (Section 4.2.2) to receive priority over other applications for the same or confusingly similar string = Did not prevail.

Section 4.2.2 of the AGB prescribes that the Community Priority Evaluations will be conducted by an independent panel. ICANN selected the Economist Intelligence Unit (EIU) as the panel firm for Community Priority Evaluations.

The Economist Intelligence Unit

The Economist Intelligence Unit (EIU) was selected as a Panel Firm for the gTLD evaluation process. The EIU is the business information arm of The Economist Group, publisher of The Economist. Through a global network of more than 500 analysts and contributors, the EIU continuously assesses political, economic, and business conditions in more than 200 countries. As the world's leading provider of country intelligence, the EIU helps executives, governments, and institutions by providing timely, reliable, and impartial analysis.

The evaluation process respects the principles of fairness, transparency, avoidance of potential conflicts of interest, and non-discrimination. Consistency of approach in scoring applications is of particular importance. In this regard, the Economist Intelligence Unit has more than six decades of experience building evaluative frameworks and benchmarking models for its clients, including governments, corporations, academic institutions and NGOs. Applying scoring systems to complex questions is a core competence.

EIU evaluators and core team

The Community Priority Evaluation panel comprises a core team, in addition to several independent[1] evaluators. The core team comprises a Project Manager, who oversees the Community Priority Evaluation project, a Project Coordinator, who is in charge of the day-to-day management of the project and provides guidance to the independent evaluators, and other senior staff members, including The Economist Intelligence Unit's Executive Editor and Global Director of Public Policy. Together, this team assesses the evaluation results. Each application is assessed by seven individuals: two independent evaluators, and the core team, which comprises five people.

The following principles characterize the EIU evaluation process for gTLD applications:

- All EIU evaluators, including the core team, have ensured that no conflicts of interest exist.
- All EIU evaluators undergo regular training to ensure full understanding of all CPE requirements as listed in the Applicant Guidebook, as well as to ensure consistent judgment. This process included a pilot training process, which has been followed by regular training sessions to ensure that all evaluators have the same understanding of the evaluation process and procedures.
- EIU evaluators are highly qualified, they speak several languages and have expertise in applying criteria and standardized methodologies across a broad variety of issues in a consistent and systematic manner.
- Language skills and knowledge of specific regions are also considered in the selection of evaluators and the assignment of specific applications.

CPE Evaluation Process

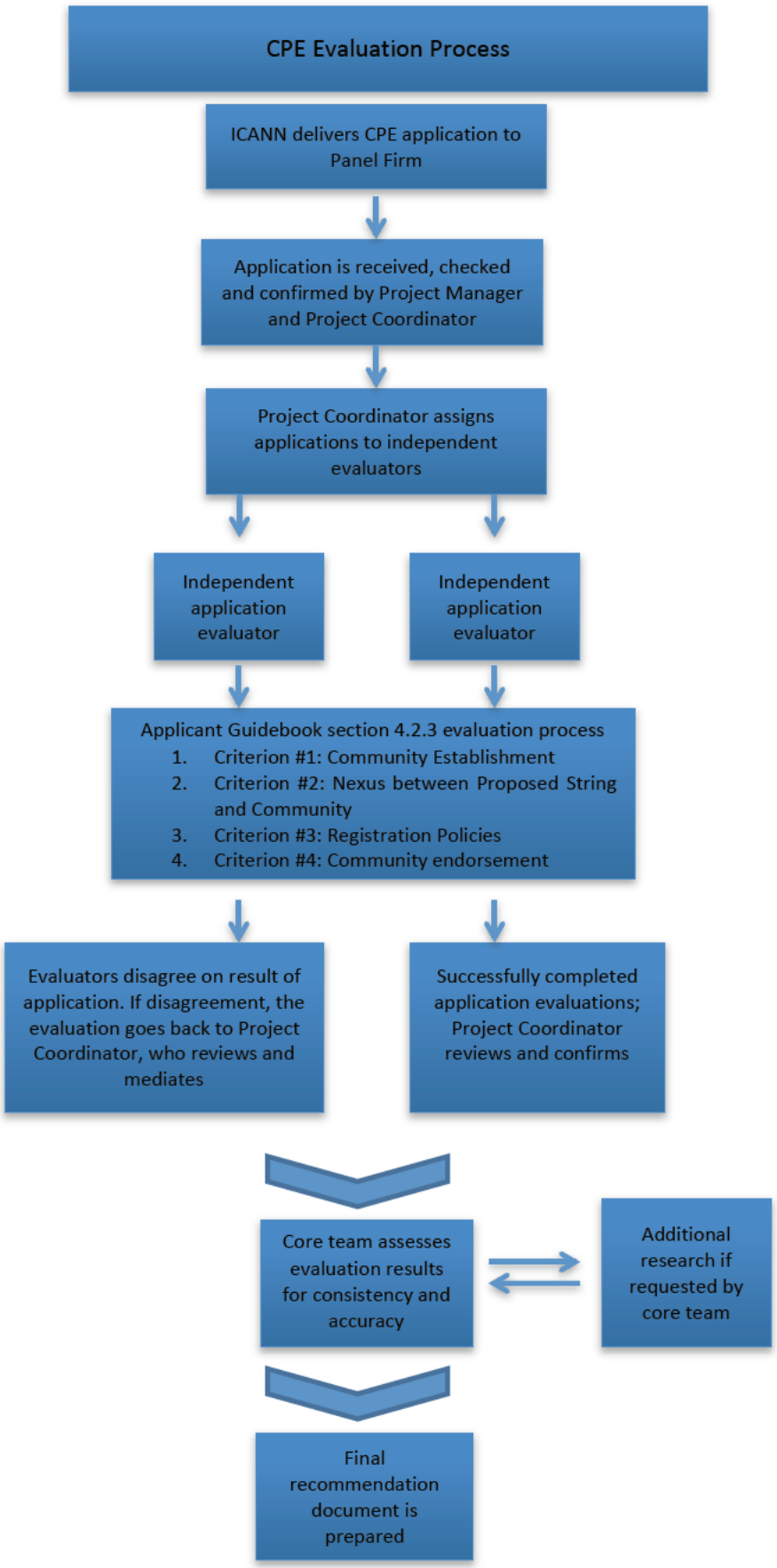
The EIU evaluates applications for gTLDs once they become eligible for review under CPE.
The evaluation process as described in section 4.2.3 of the Applicant Guidebook and discussed in the CPE Guidelines document is described below:

- The Panel Firm's Project Manager is notified by ICANN that an application for a gTLD is ready for CPE, and the application ID and public comments are delivered to the EIU. The EIU is responsible for gathering the application materials and other documentation, including letter(s) of support and relevant correspondence, from the public ICANN website. The EIU Project Manager reviews the application and associated materials, in conjunction with the EIU Project Coordinator. The Project Coordinator assigns the application to each of two evaluators, who work independently to assess and score the application.
- Each evaluator reviews the application and accompanying documentation, such as letter(s) of support and opposition. Based on this information and additional independent research, the evaluators assign scores to the four CPE criteria as defined in the Applicant Guidebook.
- As part of this process, one of the two evaluators assigned to assess the same string is asked to verify the letters of support and opposition. (Please see "Verification of letter(s) of support and opposition" section for further details.)
- When evaluating an application the CPE Panel also considers the public application comments. The public comments are provided to EIU by ICANN following the close of the 14-day window associated with the CPE invitation. For every comment of support/opposition received, the designated evaluator assesses the relevance of the organization of the poster along with the content of the comment. A separate verification of the comment author is not performed as the Application Comments

[1] The term "independent" means that the evaluators do not have any conflict of interest with CPE applicants. It also means that the evaluators sit outside the core EIU team; they provide individual evaluation results based on their assessment of the AGB criteria, application materials, and secondary research without any influence from core team members.

system requires that users register themselves with an active email account before they are allowed to post any comments. However, the evaluator will check the affiliated website to ascertain if the person sending the comment(s) is at that entity/organization named, unless the comment has been sent in an individual capacity.

- Once the two evaluators have completed this process, the evaluation results are reviewed by the Project Coordinator, who checks them for completeness and consistency with the procedures of the Applicant Guidebook.
- If the two evaluators disagree on one or more of the scores, the Project Coordinator mediates and works to achieve consensus, where possible.
- The Project Director and Project Coordinator, along with other members of the core team, meet to discuss the evaluators' results and to verify compliance with the Applicant Guidebook. Justifications for the scores are further refined and articulated in this phase.
- If the core team so decides, additional research may be carried out to answer questions that arise during the review, especially as they pertain to the qualitative aspects of the Applicant Guidebook scoring procedures.
- If the core team so decides, the EIU may provide a clarifying question (CQ) to be issued via ICANN to the applicant to clarify statements in the application materials and/or to inform the applicant that letter(s) of support could not be verified.
- When the core team achieves consensus on the scores for each application, an explanation, or justification, for each score is prepared. A final document with all scores and justifications for a given application, including a determination of whether the application earned the requisite 14 points for prevailing, is presented to ICANN.
- The Economist Intelligence Unit works with ICANN when questions arise or when additional process information may be required to evaluate an application.
- The Panel Firm exercises consistent judgment in making its evaluations in order to reach conclusions that are compelling and defensible, and documents the way in which it has done so in each case.


CPE Evaluation Process
ICANN delivers CPE application to Panel Firm
Application is received, checked and confirmed by Project Manager and Project Coordinator
Project Coordinator assigns applications to independent evaluators
Independent application evaluator
Independent application evaluator
Applicant Guidebook section 4.2.3 evaluation process
1. Criterion #1: Community Establishment
2. Criterion #2: Nexus between Proposed String and Community
3. Criterion #3: Registration Policies
4. Criterion #4: Community endorsement
Evaluators disagree on result of application. If disagreement, the evaluation goes back to Project Coordinator, who reviews and mediates
Successfully completed application evaluations; Project Coordinator reviews and confirms
Core team assesses evaluation results for consistency and accuracy
Additional research if requested by core team
Final recommendation document is prepared

Verification of letter(s) of support and opposition

As part of this CPE evaluation process, one of the two evaluators assigned to assess the same string verifies the letters of support and opposition. This process is outlined below:

- On a regular basis, the EIU reviews ICANN's public correspondence page (http://newgtlds.icann.org/en/program-status/correspondence) for recently received correspondence to assess whether it is relevant to an ongoing evaluation. If it is relevant, the public correspondence is provided to the evaluators assigned to the evaluation for review.
- For every letter of support/opposition received, the designated evaluator assesses both the relevance of the organization and the validity of the documentation. Only one of the two evaluators is responsible for the letter verification process.
- With few exceptions, verification emails are sent to every entity that has sent a letter(s) of support or opposition to validate their identity and authority.
- The exceptions noted above regarding sending verification letter(s) include but may not be limited to:
    - If there are no contact details included in the letter(s). However, the evaluator will attempt to obtain this information through independent research.
    - If the person sending the letters(s) does not represent an organization. However, if the content of the letter(s) suggests that the individual sending a letter has sent this letter(s) on behalf of an organization/entity the evaluator will attempt to validate this affiliation.
- The verification email for letter(s) of support/opposition requests the following information from the author of the letter:
    - Confirmation of the authenticity of the organization(s) letter.
    - Confirmation that the sender of the letter has the authority to indicate the organization(s) support/opposition for the application.
    - In instances where the letter(s) of support do not clearly and explicitly endorse the applicant, the verification email asks for confirmation as to whether or not the organization(s) explicitly supports the community based application.
- To provide every opportunity for a response, the evaluator regularly contacts the organization for a response by email and phone for a period of at least a month.
- A verbal acknowledgement is not sufficient. The contacted individual must send an email to the EIU acknowledging that the letter is authentic.

Annex 4-B

Community Priority Evaluation (CPE) Guidelines

Prepared by The Economist Intelligence Unit

Interconnection between Community Priority Evaluation (CPE) Guidelines and the Applicant Guidebook (AGB)

The CPE Guidelines are an accompanying document to the AGB, and are meant to provide additional clarity around the process and scoring principles outlined in the AGB. This document does not modify the AGB framework, nor does it change the intent or standards laid out in the AGB. The Economist Intelligence Unit (EIU) is committed to evaluating each applicant under the criteria outlined in the AGB. The CPE Guidelines are intended to increase transparency, fairness and predictability around the assessment process.

Criterion #1: Community Establishment

This section relates to the community as explicitly identified and defined according to statements in the application. (The implicit reach of the applied-for string is not considered here, but taken into account when scoring Criterion #2, "Nexus between Proposed String and Community.")

Measured by

1-A Delineation

1-B Extension

A maximum of 4 points is possible on the Community Establishment criterion, and each sub-criterion has a maximum of 2 possible points.

1-A Delineation

AGB Criteria	Evaluation Guidelines
Scoring	
2= Clearly delineated, organized, and pre-existing community. 1= Clearly delineated and pre-existing community, but not fulfilling the requirements for a score of 2. 0= Insufficient delineation and pre-existence for a score of 1.	The following questions must be scored when evaluating the application: *Is the community clearly delineated?* *Is there at least one entity mainly dedicated to the community?* *Does the entity (referred to above) have documented evidence of community activities?* *Has the community been active since at least September 2007?*
Definitions	
"Community" - Usage of the expression "community" has evolved considerably from its Latin origin – "communitas" meaning "fellowship" – while still implying more of cohesion than a mere commonality of interest. Notably, as "community" is used throughout the application, there should be: (a) an awareness and recognition of a community among its members; (b) some	The "community," as it relates to Criterion #1, refers to the stated community in the application. Consider the following: • *Was the entity established to administer the community?* • *Does the entity's mission statement clearly identify the community?*

understanding of the community's existence prior to September 2007 (when the new gTLD policy recommendations were completed); and (c) extended tenure or longevity—non-transience—into the future.	Additional research may need to be performed to establish that there is documented evidence of community activities. Research may include reviewing the entity's web site, including mission statements, charters, reviewing websites of community members (pertaining to groups), if applicable, etc.
"Delineation" relates to the membership of a community, where a clear and straight-forward membership definition scores high, while an unclear, dispersed or unbound definition scores low.	"Delineation" also refers to the extent to which a community has the requisite awareness and recognition from its members. The following non-exhaustive list denotes elements of straight-forward member definitions: fees, skill and/or accreditation requirements, privileges or benefits entitled to members, certifications aligned with community goals, etc.
"Pre-existing" means that a community has been active as such since before the new gTLD policy recommendations were completed in September 2007.	
"Organized" implies that there is at least one entity mainly dedicated to the community, with documented evidence of community activities.	"Mainly" could imply that the entity administering the community may have additional roles/functions beyond administering the community, but one of the key or primary purposes/functions of the entity is to administer a community or a community organization. Consider the following: • *Was the entity established to administer the community?* • *Does the entity's mission statement clearly identify the community?*
Criterion 1-A guidelines	
With respect to "Delineation" and "Extension," it should be noted that a community can consist of legal entities (for example, an association of suppliers of a particular service), of individuals (for example, a language community) or of a logical alliance of communities (for example, an international federation of national communities of a similar nature). All are viable as such, provided the requisite awareness and recognition of the	With respect to the Community, consider the following: • *Are community members aware of the existence of the community as defined by the applicant?* • *Do community members recognize the community as defined by the applicant?*

community is at hand among the members. Otherwise the application would be seen as not relating to a real community and score 0 on both "Delineation" and "Extension." With respect to "Delineation," if an application satisfactorily demonstrates all three relevant parameters (delineation, pre-existing and organized), then it scores a 2.	• *Is there clear evidence of such awareness and recognition?*

1-B Extension

AGB Criteria	Evaluation Guidelines
Scoring	
Extension: 2=Community of considerable size and longevity 1=Community of either considerable size or longevity, but not fulfilling the requirements for a score of 2. 0=Community of neither considerable size nor longevity	The following questions must be scored when evaluating the application: *Is the community of considerable size?* *Does the community demonstrate longevity?*
Definitions	
"Extension" relates to the dimensions of the community, regarding its number of members, geographical reach, and foreseeable activity lifetime, as further explained in the following.	
"Size" relates both to the number of members and the geographical reach of the community, and will be scored depending on the context rather than on absolute numbers - a geographic location community may count millions of members in a limited location, a language community may have a million members with some spread over the globe, a community of service providers may have "only" some hundred members although well spread over the globe, just to mention some examples - all these can be regarded as of "considerable size."	Consider the following: • *Is the designated community large in terms of membership and/or geographic dispersion?*

"Longevity" means that the pursuits of a community are of a lasting, non-transient nature.	Consider the following: • *Is the community a relatively short-lived congregation (e.g. a group that forms to represent a one-off event)?* • *Is the community forward-looking (i.e. will it continue to exist in the future)?*
Criterion 1-B Guidelines	
With respect to “Delineation” and “Extension,” it should be noted that a community can consist of legal entities (for example, an association of suppliers of a particular service), of individuals (for example, a language community) or of a logical alliance of communities (for example, an international federation of national communities of a similar nature). All are viable as such, provided the requisite awareness and recognition of the community is at hand among the members. Otherwise the application would be seen as not relating to a real community and score 0 on both “Delineation” and “Extension.” With respect to “Extension,” if an application satisfactorily demonstrates both community size and longevity, it scores a 2.	

Criterion #2: Nexus between Proposed String and Community

This section evaluates the relevance of the string to the specific community that it claims to represent.

Measured by

2-A Nexus

2-B Uniqueness

A maximum of 4 points is possible on the Nexus criterion, and with the Nexus sub-criterion having a maximum of 3 possible points, and the Uniqueness sub-criterion having a maximum of 1 possible point.

2-A Nexus

AGB Criteria	Evaluation Guidelines
Scoring	
Nexus: 3= The string matches the name of the community or is a well-known short-form or abbreviation of the community 2= String identifies the community, but does not qualify for a score of 3 0= String nexus does not fulfill the requirements for a score of 2	The following question must be scored when evaluating the application: *Does the string match the name of the community or is it a well-known short-form or abbreviation of the community name? The name may be, but does not need to be, the name of an organization dedicated to the community.*
Definitions	
"Name" of the community means the established name by which the community is commonly known by others. It may be, but does not need to be, the name of an organization dedicated to the community.	"Others" refers to individuals outside of the community itself, as well as the most knowledgeable individuals in the wider geographic and language environment of direct relevance. It also refers to recognition from other organization(s), such as quasi-official, publicly recognized institutions, or other peer groups.
"Identify" means that the applied for string closely describes the community or the community members, without over-reaching substantially beyond the community.	"Match" is of a higher standard than "identify" and means 'corresponds to' or 'is equal to'. "Identify" does not simply mean 'describe', but means 'closely describes the community'. "Over-reaching substantially" means that the string indicates a wider geographical or thematic remit than the community has.

	Consider the following: • *Does the string identify a wider or related community of which the applicant is a part, but is not specific to the applicant's community?* • *Does the string capture a wider geographical/thematic remit than the community has? The "community" refers to the community as defined by the applicant.* • *An Internet search should be utilized to help understand whether the string identifies the community and is known by others.* • *Consider whether the application mission statement, community responses, and websites align.*
Criterion 2-A Guidelines	
With respect to "Nexus," for a score of 3, the essential aspect is that the applied-for string is commonly known by others as the identification / name of the community. With respect to "Nexus," for a score of 2, the applied-for string should closely describe the community or the community members, without over-reaching substantially beyond the community. As an example, a string could qualify for a score of 2 if it is a noun that the typical community member would naturally be called in the context. If the string appears excessively broad (such as, for example, a globally well-known but local tennis club applying for ".TENNIS") then it would not qualify for a 2.	

2-B Uniqueness

AGB Criteria	Evaluation Guidelines
Scoring	
Uniqueness: 1=String has no other significant meaning beyond	The following question must be scored when evaluating the application:

identifying the community described in the application. 0=String does not fulfill the requirement for a score of 1.	*Does the string have any other significant meaning (to the public in general) beyond identifying the community described in the application?*
Definitions	
"Identify" means that the applied for string closely describes the community or the community members, without over-reaching substantially beyond the community.	"Over-reaching substantially" means that the string indicates a wider geographical or thematic remit than the community has.
"Significant meaning" relates to the public in general, with consideration of the community language context added	Consider the following: • *Will the public in general immediately think of the applying community when thinking of the applied-for string?* • *If the string is unfamiliar to the public in general, it may be an indicator of uniqueness.* • *Is the geography or activity implied by the string?* • *Is the size and delineation of the community inconsistent with the string?* • *An internet search should be utilized to find out whether there are repeated and frequent references to legal entities or communities other than the community referenced in the application.*
Criterion 2-B Guidelines	
"Uniqueness" will be scored both with regard to the community context and from a general point of view. For example, a string for a particular geographic location community may seem unique from a general perspective, but would not score a 1 for uniqueness if it carries another significant meaning in the common language used in the relevant community location. The phrasing "...beyond identifying the community" in the score of 1 for "uniqueness" implies a requirement that the string does identify the community, i.e. scores	

2 or 3 for "Nexus," in order to be eligible for a score of 1 for "Uniqueness." It should be noted that "Uniqueness" is only about the meaning of the string - since the evaluation takes place to resolve contention there will obviously be other applications, community-based and/or standard, with identical or confusingly similar strings in the contention set to resolve, so the string will clearly not be "unique" in the sense of "alone."	

Criterion #3: Registration Policies

This section evaluates the applicant's registration policies as indicated in the application. Registration policies are the conditions that the future registry will set for prospective registrants, i.e. those desiring to register second-level domain names under the registry.

Measured by

3-A Eligibility

3-B Name Selection

3-C Content and Use

3-D Enforcement

A maximum of 4 points is possible on the Registration Policies criterion and each sub-criterion has a maximum of 1 possible point.

3-A Eligibility

AGB Criteria	Evaluation Guidelines
Scoring	
Eligibility: 1= Eligibility restricted to community members 0= Largely unrestricted approach to eligibility	The following question must be scored when evaluating the application: *Is eligibility for being allowed as a registrant restricted?*
Definitions	
"Eligibility" means the qualifications that organizations or individuals must have in order to be allowed as registrants by the registry.	
Criterion 3-A Guidelines	
With respect to "eligibility' the limitation to community "members" can invoke a formal membership but can also be satisfied in other ways, depending on the structure and orientation of the community at hand. For example, for a geographic location community TLD, a limitation to members of the community can be achieved by requiring that the registrant's physical address be within the boundaries of the location.	

3-B Name Selection

AGB Criteria	Evaluation Guidelines
Scoring	
Name selection: 1= Policies include name selection rules consistent with the articulated community-based purpose of the applied-for TLD 0= Policies do not fulfill the requirements for a score of 1	The following questions must be scored when evaluating the application: *Do the applicant's policies include name selection rules?* *Are name selection rules consistent with the articulated community-based purpose of the applied-for gTLD?*
Definitions	
"Name selection" means the conditions that must be fulfilled for any second-level domain name to be deemed acceptable by the registry.	Consider the following: • *Are the name selection rules consistent with the entity's mission statement?*
Criterion 3-B Guidelines	
With respect to "Name selection," scoring of applications against these subcriteria will be done from a holistic perspective, with due regard for the particularities of the community explicitly addressed. For example, an application proposing a TLD for a language community may feature strict rules imposing this language for name selection as well as for content and use, scoring 1 on both B and C above. It could nevertheless include forbearance in the enforcement measures for tutorial sites assisting those wishing to learn the language and still score 1 on D. More restrictions do not automatically result in a higher score. The restrictions and corresponding enforcement mechanisms proposed by the applicant should show an alignment with the community-based purpose of the TLD and demonstrate continuing accountability to the community named in the application.	

3-C Content and Use

AGB Criteria	Evaluation Guidelines

Scoring	
Content and use: 1= Policies include rules for content and use consistent with the articulated community-based purpose of the applied-for TLD 0= Policies do not fulfill the requirements for a score of 1	The following questions must be scored when evaluating the application: *Do the applicant's policies include content and use rules?* *If yes, are content and use rules consistent with the articulated community-based purpose of the applied-for gTLD?*
Definitions	
"Content and use" means the restrictions stipulated by the registry as to the content provided in and the use of any second-level domain name in the registry.	Consider the following: • *Are the content and use rules consistent with the applicant's mission statement?*
Criterion 3-C Guidelines	
With respect to "Content and Use," scoring of applications against these subcriteria will be done from a holistic perspective, with due regard for the particularities of the community explicitly addressed. For example, an application proposing a TLD for a language community may feature strict rules imposing this language for name selection as well as for content and use, scoring 1 on both B and C above. It could nevertheless include forbearance in the enforcement measures for tutorial sites assisting those wishing to learn the language and still score 1 on D. More restrictions do not automatically result in a higher score. The restrictions and corresponding enforcement mechanisms proposed by the applicant should show an alignment with the community-based purpose of the TLD and demonstrate continuing accountability to the community named in the application.	

3-D Enforcement

AGB Criteria	Evaluation Guidelines
Scoring	
Enforcement 1= Policies include specific enforcement measures	The following question must be scored when evaluating the application:

(e.g. investigation practices, penalties, takedown procedures) constituting a coherent set with appropriate appeal mechanisms 0= Policies do not fulfill the requirements for a score of 1	*Do the policies include specific enforcement measures constituting a coherent set with appropriate appeal mechanisms?*
Definitions	
"Enforcement" means the tools and provisions set out by the registry to prevent and remedy any breaches of the conditions by registrants.	"Coherent set" refers to enforcement measures that ensure continued accountability to the named community, and can include investigation practices, penalties, and takedown procedures with appropriate appeal mechanisms. This includes screening procedures for registrants, and provisions to prevent and remedy any breaches of its terms by registrants. Consider the following: Do the enforcement measures include: • *Investigation practices* • *Penalties* • *Takedown procedures (e.g., removing the string)* • *Whether such measures are aligned with the community-based purpose of the TLD* • *Whether such measures demonstrate continuing accountability to the community named in the application*
Criterion 3-D Guidelines	
With respect to "Enforcement," scoring of applications against these subcriteria will be done from a holistic perspective, with due regard for the particularities of the community explicitly addressed. For example, an application proposing a TLD for a language community may feature strict rules imposing this language for name selection as well as for content and use, scoring 1 on both B and C above. It could nevertheless include forbearance in the enforcement measures for tutorial sites assisting those wishing to learn the language and still score 1 on D. More restrictions do not automatically result in a higher score. The restrictions and corresponding enforcement	

mechanisms proposed by the applicant should show an alignment with the community-based purpose of the TLD and demonstrate continuing accountability to the community named in the application.	

Criterion #4: Community Endorsement

This section evaluates community support and/or opposition to the application. Support and opposition will be scored in relation to the communities explicitly addressed in the application, with due regard for communities implicitly addressed by the string.

Measured by

4-A Support

4-B Opposition

A maximum of 4 points is possible on the Community Endorsement criterion and each sub-criterion (Support and Opposition) has a maximum of 2 possible points.

4-A Support

AGB Criteria	Evaluation Guidelines
Scoring	
Support: 2= Applicant is, or has documented support from, the recognized community institution(s)/member organization(s), or has otherwise documented authority to represent the community 1= Documented support from at least one group with relevance, but insufficient support for a score of 2 0= Insufficient proof of support for a score of 1	The following questions must be scored when evaluating the application: *Is the applicant the recognized community institution or member organization?* To assess this question please consider the following: a. *Consider whether the community institution or member organization is the clearly recognized representative of the community.* If the applicant meets this provision, proceed to Letter(s) of support and their verification. If it does not, or if there is more than one recognized community institution or member organization (and the applicant is one of them), consider the following: *Does the applicant have documented*

	support from the recognized community institution(s)/member organization(s) to represent the community? If the applicant meets this provision, proceed to Letter(s) of support and their verification. If not, consider the following: *Does the applicant have documented authority to represent the community?* If the applicant meets this provision, proceed to Letter(s) of support and their verification. If not, consider the following: *Does the applicant have support from at least one group with relevance?* If the applicant meets this provision, proceed to Letter(s) of support and their verification. ➢ Instructions on letter(s) of support requirements are located below, in **Letter(s) of support and their verification**
Definitions	
"Recognized" means the institution(s)/organization(s) that, through membership or otherwise, are clearly recognized by the community members as representative of that community.	
"Relevance" and "relevant" refer to the communities explicitly and implicitly addressed. This means that opposition from communities not identified in the application but with an association to the applied for string would be considered relevant.	The institution(s)/organization(s) could be deemed relevant when not identified in the application but has an association to the applied-for string.
Criterion 4-A Guidelines	
With respect to "Support," it follows that documented support from, for example, the only national association relevant to a particular community on a national level would score a 2 if the string is clearly oriented to that national level, but only a 1 if the string implicitly addresses similar communities in other nations.	**Letter(s) of support and their verification:** Letter(s) of support must be evaluated to determine both the relevance of the organization and the validity of the documentation and must meet the criteria spelled out below. The letter(s) of support is an input used to determine the relevance of the organization and the validity of

Also with respect to "Support," the plurals in brackets for a score of 2, relate to cases of multiple institutions/organizations. In such cases there must be documented support from institutions/organizations representing a majority of the overall community addressed in order to score 2. The applicant will score a 1 for "Support" if it does not have support from the majority of the recognized community institutions/member organizations, or does not provide full documentation that it has authority to represent the community with its application. A 0 will be scored on "Support" if the applicant fails to provide documentation showing support from recognized community institutions/community member organizations, or does not provide documentation showing that it has the authority to represent the community. It should be noted, however, that documented support from groups or communities that may be seen as implicitly addressed but have completely different orientations compared to the applicant community will not be required for a score of 2 regarding support. To be taken into account as relevant support, such documentation must contain a description of the process and rationale used in arriving at the expression of support. Consideration of support is not based merely on the number of comments or expressions of support received.	the documentation. Consider the following: Are there multiple institutions/organizations supporting the application, with documented support from institutions/organizations representing a majority of the overall community addressed? Does the applicant have support from the majority of the recognized community institution/member organizations? Has the applicant provided full documentation that it has authority to represent the community with its application? A majority of the overall community may be determined by, but not restricted to, considerations such as headcount, the geographic reach of the organizations, or other features such as the degree of power of the organizations. <u>Determining relevance and recognition</u> *Is the organization relevant and/or recognized as per the definitions above?* <u>Letter requirements & validity</u> *Does the letter clearly express the organization's support for the community-based application?* *Does the letter demonstrate the organization's understanding of the string being requested?* *Is the documentation submitted by the applicant valid (i.e. the organization exists and the letter is authentic)?* To be taken into account as relevant support, such documentation must contain a description of the process and rationale used in arriving at the expression of support. Consideration of support is not based merely on the number of comments or

	expressions of support received.

4-B Opposition

AGB Criteria	Evaluation Guidelines
Scoring	
Opposition: 2= No opposition of relevance 1= Relevant opposition from one group of non-negligible size 0= Relevant opposition from two or more groups of non-negligible size	The following question must be scored when evaluating the application: *Does the application have any opposition that is deemed relevant?*
Definitions	
"Relevance" and "relevant" refer to the communities explicitly and implicitly addressed. This means that opposition from communities not identified in the application but with an association to the applied for string would be considered relevant.	Consider the following: For "non-negligible" size, "relevant" and "relevance" consider: • *If the application has opposition from communities that are deemed to be relevant.* • *If a web search may help determine relevance and size of the objecting organization(s).* • *If there is opposition by some other reputable organization(s), such as a quasi-official, publicly recognized organization(s) or a peer organization(s)?* • *If there is opposition from a part of the community explicitly or implicitly addressed?*
Criterion 4-B Guidelines	
When scoring "Opposition," previous objections to the application as well as public comments during the same application round will be taken into account and assessed in this context. There will be no presumption that such objections or comments would prevent a score of 2 or lead to any particular score for "Opposition." To be taken into account as relevant opposition, such objections or	**Letter(s) of opposition and their verification:** Letter(s) of opposition should be evaluated to determine both the relevance of the organization and the validity of the documentation and should meet the criteria spelled out below. Determining relevance and recognition *Is the organization relevant and/or*

comments must be of a reasoned nature. Sources of opposition that are clearly spurious, unsubstantiated, made for a purpose incompatible with competition objectives, or filed for the purpose of obstruction will not be considered relevant.	*recognized as per the definitions above?* Letter requirements & validity *Does the letter clearly express the organization's opposition to the applicant's application?* *Does the letter demonstrate the organization's understanding of the string being requested?* *Is the documentation submitted by the organization valid (i.e. the organization exists and the letter is authentic)?* To be considered relevant opposition, such documentation should contain a description of the process and rationale used in arriving at the expression of opposition. Consideration of opposition is not based merely on the number of comments or expressions of opposition received.

Verification of letter(s) of support and opposition

Additional information on the verification of letter(s) of support and opposition:

- Changes in governments may result in new leadership at government agencies. As such, the signatory need only have held the position as of the date the letter was signed or sealed.
- A contact name should be provided in the letter(s) of support or opposition.
- The contact must send an email acknowledging that the letter is authentic, as a verbal acknowledgement is not sufficient.
- In cases where the letter was signed or sealed by an individual who is not currently holding that office or a position of authority, the letter is valid only if the individual was the appropriate authority at the time that the letter was signed or sealed.

About the Community Priority Evaluation Panel and its Processes

The Economist Intelligence Unit (EIU) is the business information arm of The Economist Group, publisher of The Economist. Through a global network of more than 900 analysts and contributors, the EIU continuously assesses political, economic, and business conditions in more than 200 countries. As the world's leading provider of country intelligence, the EIU helps executives, governments, and institutions by providing timely, reliable, and impartial analysis.

The EIU was selected as a Panel Firm for the gTLD evaluation process based on a number of criteria, including:

- The panel will be an internationally recognized firm or organization with significant demonstrated expertise in the evaluation and assessment of proposals in which the relationship of the proposal to a defined public or private community plays an important role.
- The provider must be able to convene a linguistically and culturally diverse panel capable, in the aggregate, of evaluating Applications from a wide variety of different communities.
- The panel must be able to exercise consistent and somewhat subjective judgment in making its evaluations in order to reach conclusions that are compelling and defensible, and
- The panel must be able to document the way in which it has done so in each case.

The evaluation process will respect the principles of fairness, transparency, avoiding potential conflicts of interest, and non-discrimination. Consistency of approach in scoring Applications will be of particular importance.

The following principles characterize the EIU evaluation process for gTLD applications:

- All EIU evaluators must ensure that no conflicts of interest exist.
- All EIU evaluators must undergo training and be fully cognizant of all CPE requirements as listed in the Applicant Guidebook. This process will include a pilot testing process.
- EIU evaluators are selected based on their knowledge of specific countries, regions and/or industries, as they pertain to Applications.
- Language skills will also considered in the selection of evaluators and the assignment of specific Applications.
- All applications will be evaluated and scored, in the first instance by two evaluators, working independently.
- All Applications will subsequently be reviewed by members of the core project team to verify accuracy and compliance with the AGB, and to ensure consistency of approach across all applications.

- The EIU will work closely with ICANN when questions arise and when additional information may be required to evaluate an application.
- The EIU will fully cooperate with ICANN's quality control process.

Annex 4-C

Community Priority Evaluation (CPE) Frequently Asked Questions

Version 1.3

Note: This version of the FAQ was updated on 10 September 2014. No new questions have been added, but existing answers have been updated to reflect changes put forth in the "Update on Application Status and Contention Sets" Advisory.

Early Election

Q: Is early election required to participate in CPE?

A: No. Early election of CPE is optional and at the discretion of the applicant. Early election is, however, not a guarantee of eligibility to proceed with CPE. Early election status will be reflected on an Applicant's status on the New gTLD Application Status Page (https://gtldresult.icann.org/application-result/applicationstatus/viewstatus). Applicants will be invited to CPE once they are eligible, regardless of whether early election was made.

Timeline and Processing

Q: What are the eligibility requirements to begin Standard CPE?

A: To be eligible to begin Standard CPE Processing, an application must:

- be a self-designated Community Application per section 1.2.3 of the AGB
- have an application status of "Active"
- be in an unresolved contention set (contention set status is either "Active" or "On-Hold" and at least one other application in the set has a status of either "Active or On-Hold"
- not have a pending change request
- not be in an active comment window for a recently approved changed request

Additionally, as per section 4.2 of the AGB, all remaining members of the contention set must have completed all previous stages of the process. All remaining applications in the contention set must:

- have completed evaluation
- have no pending objections
- have addressed all applicable GAC Advice
- not be classified in the "High Risk" category of the Name Collision Occurrence Management Framework

The Name Collision Occurrence Management Framework is available here: https://www.icann.org/en/system/files/files/name-collision-framework-30jul14-en.pdf

Q: When will CPE start?

A: Invitations to begin CPE started in early October 2013 to eligible applicants. On an ongoing basis, applicants will be invited to begin CPE as each becomes eligible based on the eligibility requirements listed in the prior question. The evaluation will begin approximately 2-3 weeks after an invitation is sent. However, in order to allow sufficient time for the submission of Application Comments and Letters of Support/Opposition, CPE will begin no earlier than 14 days after an invitation is sent. The date that the invitation is sent will be posted on the CPE page of the New gTLD Microsite (http://newgtlds.icann.org/en/applicants/cpe).

Q: What is the fee for CPE?

A: The deposit fee for CPE is USD 22,000. An applicant that prevails in CPE will be refunded their full deposit amount.

Q: What is the process to elect CPE?

A: One week before an application becomes eligible for CPE, a pre-invitation notice is sent to those applications that are likely to become eligible. The purpose of the pre-invitation is to verify payer information before the actual invitation is sent.

Once an application becomes eligible for CPE, ICANN will send an official invitation to the applicant via a case in the Customer Portal. If the Applicant wishes to pursue CPE, the Applicant must respond to the case within 21 days with the following: declaration that they are electing to pursue CPE, the CPE deposit payment form with the required details, and the CPE deposit payment itself (USD 22,000).

Q: How will I know when an application has been invited to elect CPE?

A: The CPE landing page on the New gTLD Microsite (http://newgtlds.icann.org/en/applicants/cpe) will be updated regularly to inform the community of each invitation date, election date and evaluation result for CPE. Additionally, the members of the contention set will be notified via Customer Portal when a member of their contention set is invited to CPE.

Q: What is the due date for submitting an application comment or letters of support or opposition to ensure the CPE Panel takes them into consideration?

A: Application comments and letters of support or opposition must be received within 14 days of the CPE invitation date posted on the CPE landing page on the New gTLD

Microsite (http://newgtlds.icann.org/en/applicants/cpe). Application comments may be submitted at http://newgtlds.icann.org/en/program-status/comments. Letters of support or opposition may be submitted via the methods described in the Letters of Support and Opposition section of the FAQs below. It is not guaranteed, however, that Application Comments and letters of support/opposition submitted after the 14 day period will be considered in the CPE Panel's evaluation of the the application.

Q: What is the Accelerated Invitation to CPE?

A: Accelerated Invitation to CPE is a process where the applicant can elect to start CPE earlier than the typical conditions would normally allow. An applicant is able to request an Accelerated Invitation to CPE when outstanding eligibility criteria do not have the potential to impact the community applicant's membership in a contention set and/or when the contention set as a whole may not have met all eligibility requirements for the standard CPE Invitation process.

Q: What are the eligibility requirements to receive an Accelerated Invitation to CPE?

A: To be eligible for an Accelerated Invitation to CPE, an application must:

- be a self-designated Community Application per section 1.2.3 of the AGB
- have a status of "Active" or "On-Hold"
- be in an unresolved contention set (contention set status is either "Active" or "On-Hold" and at least one other application in the set has a status of either "Active or On-Hold")
- not have a pending change request
- not be in an active application comment window for an approved changed request
- have addressed all applicable GAC Advice

Additionally, as per section 4.2 of the AGB, all remaining members of the contention set must have completed all previous stages of the process. All remaining applications in the contention set must:

- have completed evaluation
- have no pending objections
- not be classified in the "High Risk" category of the Name Collision Occurrence Management Framework

Q: When will I receive an Accelerated Invitation to CPE?

A: Once a community application has met the requirements listed above, ICANN will notify the applicant of the option to request an Accelerated Invitation to Elect CPE. After an Applicant has requested the Accelerated Invitation, the standard CPE Invitation process will

commence as described above, including notification to other members of the contention set and posting to the CPE status page (http://newgtlds.icann.org/en/applicants/cpe).

Q: Is there a deadline to request an Accelerated Invitation to CPE? How long do I have in order to decide to participate in CPE once I receive the Accelerated Invitation?

A: There is no deadline for requesting the Accelerated Invitation to CPE. A request can be made at any time while outstanding eligibility criteria are being resolved for other members of the contention set. Once the Accelerated Invitation has been requested, however, a response (i.e. decision to participate in CPE) must be received within 21 days.

Evaluation Panel

Q: What will be reviewed by the CPE Panel?

A: As part of its evaluation and in accordance with the AGB criteria in section 4.2.3 and the CPE Panel's guidelines (http://newgtlds.icann.org/en/applicants/cpe/guidelines-27sep13-en.pdf), the CPE Panel will review publicly available information such as the publicly available portions of the application, application comments on the application, objection determinations, and correspondence (letters of support or objection related to the application). The CPE Panel will also conduct any additional research as it sees fit.

Q: How will the CPE guidelines be used in performing evaluations?

A: The CPE guidelines are an accompanying document to the AGB and are intended to provide additional clarity around process and scoring principles as defined in the AGB. The CPE guidelines do not change the AGB framework or change the intent or standards established in the AGB.

Q: Where can I find out more about the CPE process?

A: More information about the process followed by the CPE panel can be found in the CPE Panel Process document (http://newgtlds.icann.org/en/applicants/cpe/Community Priority Evaluation Panel Process.06AUG2014.pdf).

Q: Will the CPE Panel ask clarifying questions?

A: Prior to the start of CPE evaluation, the CPE Panel may, but is not obligated to, request additional information from applicants if the CPE Panel feels that additional information is required to evaluate the application. If during the evaluation additional information is needed, the expectation is that clarifying questions will be issued by the CPE Panel to applicants in order to provide the opportunity to:

- Address any application comments that may impact the scoring of their application.
- Address any objection determinations not in their favor.
- Address any letters of opposition.
- Contact supporting organizations and ask them to respond to the CPE Panel's request for validation of letters of support or objection.

Applicants will be contacted via the Customer Service Portal if additional information is required, and will be provided 28 days to respond to clarifying questions.

Q: Once CPE has started, approximately how long will the CPE Panel take to perform the evaluation?

A: The evaluation is expected to take approximately three to four months[1], depending on the number of letters of support or opposition requiring validation and the need for clarifying questions.

Q: In what order will applicants be invited and evaluated in CPE?

A: The order is firstly determined by the eligibility requirements as defined above. The priority number may be used as a secondary method to determine evaluation ordering in the unlikely event that volume exceeds the CPE Panel's capacity.

Letters of Support and Opposition

Q: How should additional letters of support/opposition be sent to ICANN?

A: Organizations that would like to submit letters of support or opposition for an application may send these letters to ICANN either electronically at newgtld@icann.org or by physical mail to ICANN's Los Angeles office. If these letters are addressed to ICANN, they will be treated as correspondence and posted on the New gTLD Correspondence page (http://newgtlds.icann.org/en/program-status/correspondence).

If the letters are addressed to the applicant, the applicant may send the letters to ICANN electronically at newgtld@icann.org to be posted as correspondence, with the following requirements:

- Include a cover letter to ICANN requesting that the letters be posted as correspondence. This cover letter should contain, at a minimum: application ID, string, and the applicant name for the application that they are supporting or opposing.
- Attach letters of support or opposition to the correspondence request. If such a request is received, ICANN will post the cover letter and the

[1] This number was changed in the 13 August 2014 version of the FAQs to reflect lessons learned.

attachments as a single item of correspondence.

If an applicant submits letters of support via the change request process posted at http://newgtlds.icann.org/en/applicants/customer-service/change-requests, the letters of support will be processed as a change request and subject to the 30-day application comment period.

Q: Will the CPE Panel contact the person referenced in the letters of support and opposition?

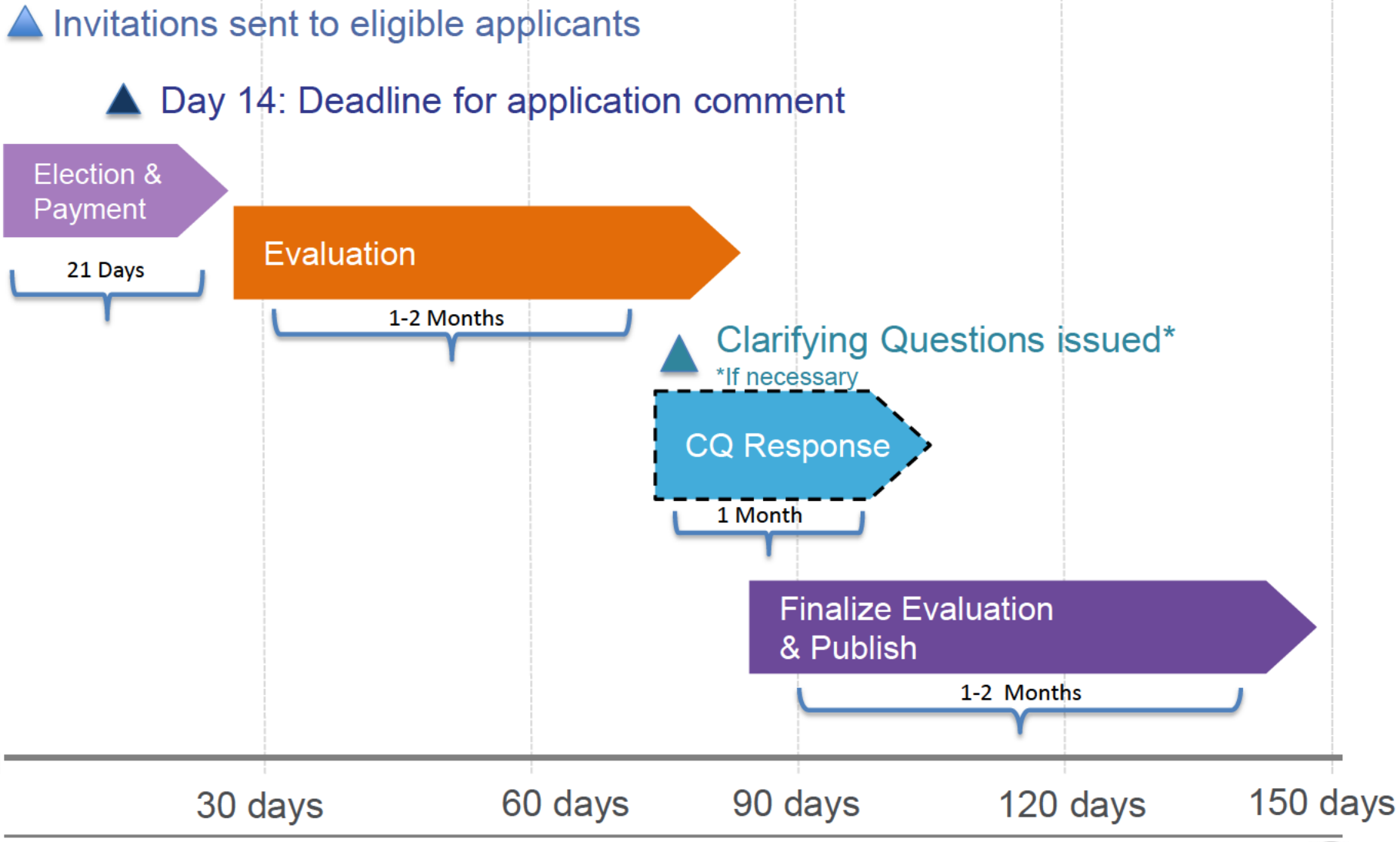
A: The CPE Panel will attempt to validate all letters of support and opposition to ensure that the individuals who have signed the documents are in fact the sender, have the authority to speak on behalf of their institution, and that the panel clearly understands the intentions of the letter. This is similar to the Geographic Names Panel process of validating letters of support or non-objection. More information about the letter validation process can be found in the CPE Panel Process document (http://newgtlds.icann.org/en/applicants/cpe/Community Priority Evaluation Panel Process.06AUG2014.pdf).

As some of the contact information from the letters included in the application may no longer be accurate, it is suggested, but not required, that CPE applicants provide current contact information for the individuals who authored the letters of support for their application. This updated contact information can be submitted via the Customer Service Portal. The use of such information is at the discretion of the CPE Panel.

Should the CPE Panel be unable to contact or get a response from a material amount of relevant supporters such that it is impacting the scoring of the evaluation, they will issue a clarifying question to the applicant, requesting both updated contact information for those they have been unable to complete the verification with, and they will also request the applicant's assistance in getting a response from the supporter to the panel. These clarification questions will come from ICANN to the applicant via the customer portal, as indicated in previous questions on this FAQ page.

Annex 4-D

Community Priority Evaluation > Timeline



Annex 5-A

From: Christine Willett [mailto:christine.willett@icann.org]
Sent: Friday, November 14, 2014 10:46 PM
To: Jamie
Cc: Scott Seitz; Trang Nguyen; Amy Stathos
Subject: Re: [FWD: Spurious Activity]

Dear Jamie,

Please find attached ICANN's response to the issues you raised in your email.

Feel free to contact me if you wish to discuss.

Regards,

Christine A. Willett
Vice President, Operations - Global Domains Division
Internet Corporation for Assigned Names and Numbers (ICANN)

Office: + 310 301 5800
Cell: + 310 460 8463
Email: christine.willett@icann.org

From: Christine Willett <christine.willett@icann.org>
Date: Friday, October 24, 2014 at 6:12 PM
To: Jamie Baxter Contact Information Redacted
Subject: Re: [FWD: Spurious Activity]

Jamie,
I have conferred with our legal team and I can confirm that ICANN will review the materials you've provided and provide you with a fulsome response by 14 November 2014.
Thank you for your patience,
Christine Willett

From: Jamie Baxter Contact Information Redacted
Date: Wednesday, October 15, 2014 at 8:53 AM
To: Christine Willett <christine.willett@icann.org>
Subject: [FWD: Spurious Activity]

Just sent this but it bounced back.
Trying again.
-------- Original Message --------
Subject: Spurious Activity
From: "Jamie Baxter" Contact Information Redacted
Date: Wed, October 15, 2014 11:51 am
To: christine.willet@icann.org, amy.stathos@icann.org, trang.nguyen@icann.org, alexia.hatley@icann.org

Cc: "Scott Seitz" Contact Information Redacted

Good morning Christine,

Thanks again for taking the time to speak with our team and community supporters on Monday. As a follow up I wanted to provide you with the specific parts of our July 28 email exchange regarding spurious activity from competitive applicants, and once again include the supporting documents. Please note, some parts related to Item #2 regarding .LGBT have been deleted from the copy/paste below, but remain otherwise unedited.

One additional spurious activity item that was not originally included in the July 28 email is the exchange received from Rob Schlein of the Metroplex Republicans where he clearly acknowledges he only filed his objection as a favor to Chris Barron (Item_5), who we all know was fraudulently attempting to interfere with our application. This behavior not only cost dotgay a $5,000 filing fee to respond, but combined with evidence provided here pointing to a competitor paying for Rob's objection, it feeds into the larger pool of spurious activity that our community application has faced and which ICANN has not addressed or made public statements on.

We look forward to ICANN's response regarding the spurious activity shared here, and to the accountability mechanisms that will be put in place now and for future rounds of new gTLDs.

Please do confirm receipt and let me know if I can assist in clarifying anything.

Cheers
Jamie

Jamie Baxter
VP of Marketing
dotgay LLC
307 Seventh Avenue, Suite 1807
New York, NY 10001
Contact Information Redacted

www.dotgay.com

Please join us on Facebook at www.facebook.dotgay.com
and follow us at www.twitter.com/dotgay

Hello Christine,

I just wanted to send a quick thank you note and summary of our conversation from Friday. The important aspects of this conversation where to highlight areas of concern in the current process for community applications and specifically

how community applications and specifically the gay community have been disadvantaged.

Item A: Spurious Activities

As you recall we pointed out several areas where Standard .GAY competitors have been allowed to engage in spurious activity against the gay community and the .GAY community application, for which there exists no ICANN accountability mechanism for any community applicant to use in response. Specific examples for .GAY are,

1) Standard applicants have attacked global nonprofits supporting dotgay, with no repercussion, allowing them to cast a shadow on our supporters reputation and intimidate our endorsers and potential endorsers. Ultimately going unchecked and thus encouraging them to escalate activity when no ICANN response occurs.

Attachments:
Item_1_A - Objection response from TLDH saying ILGA involved in pedophilia
Item_1_B - Andrew Merriam telling our endorser we are censoring & other lies
Item_1_C - Andrew Merriam telling gay press lies about our application
Item_1_D - Andrew Merriam telling gay press lies about our application

2) The community pointed out suspicion behind the GOProud community objection suggesting spurious activities by a single person versus an organization, yet no process existed nor were attempts made by ICANN staff to confirm and eliminate the objection and reconsideration request presented by Christopher Barron in order to avoid further delay of the dotgay application.

Item_2 - Email sent by dotgay to ICC (with ICANN copies) requesting ICC investigate GoProud objection (Aug 5, 13)

3) We have presented proof that a competing Standard applicant for dotgay has indeed paid for a community objection against dotgay, a clear indication of spurious activity, however it was rejected by ICANN with no offer as to what the correct accountability mechanism is to have it investigated or indication as to how ICANN would allow for this information to be presented in defense of a community.

Item_3_A - Wire document for the Metroplex objection payment
Item_3_B - Detail that links the payee to Top Level Design (.GAY competitor)

4) Throughout the comment process ICANN was advised by both CTAG and individual community applicants that spurious activity was occurring in the comments section and as a community applicant we were unable to address Standard applicants activities. dotgay has documented several examples of this and again there is not a process to allow sensitive information to be reviewed and considered.

(No supporting document, however a quick look on Facebook & LinkedIn shows that a large majority of the public comments submitted on the ICANN website are from the Portland Oregon area, home of Andrew Merriam and Top Level Design. Without any clear way to indicate that the comments come from members of our community, it is a tactic that that standard applicants clearly have as a mechanism to create the illusion of opposition.)

It is understandable that ICANN staff never anticipated spurious activities or panelist determinations of this nature, however it does not exempt ICANN from taking steps to ensure fair play overall and that community detriment is avoided by fulfilling the principles and goals of the community objection proceedings.

To date, and despite the ongoing efforts of ILGA ICANN staff have failed to even address these community concerns or respond in a way that shows they are acting in a manner consistent with the principles and goals of the new gTLD program and the community objection proceedings.

This is not only harmful and negligent to the gay community, but a clear indicator that the ICANN accountability mechanisms were not designed for unique situations like the one at hand.

We hope that this is ultimately a helpful dialog, and look forward to hearing from you and your team.

Best regards,
Scott Seitz

Annex 5-B

The Internet Corporation for Assigned Names and Numbers

ICANN

14 November 2014

Jamie Baxter
VP of Marketing
dotgay LLC

Dear Mr. Baxter:

Thank you for your correspondence of 15 October 2014, in which you identify what you believe to be spurious activities towards dotgay LLC's community application for .GAY. We appreciate the time you have taken to collect and provide these materials to us. The meeting with you, Scott and the dotgay LLC team at ICANN 51 was very informative and allowed us to better understand your perspective.

We have reviewed the concerns raised in your correspondence as well as those raised by Mr. Seitz in his correspondence dated 28 July 2014 and provide the following response.

Mr. Seitz's correspondence brought forth four points. Two of these were:

> *Standard applicants have attacked global nonprofits supporting dotgay, with no repercussion, allowing them to cast a shadow on our supporters reputation and intimidate our endorsers and potential endorsers. Ultimately going unchecked and thus encouraging them to escalate activity when no ICANN response occurs.*

and

> *Throughout the comment process ICANN was advised by both CTAG and individual community applicants that spurious activity was occurring in the comments section and as a community applicant we were unable to address Standard applicants activities.*

Openness and transparency are at the heart of ICANN's multi-stakeholder model. Hence, public comment mechanisms play a vital role in ICANN's policy development, implementation, and operational processes. The New gTLD Program encourages a healthy exchange and debate of information from all parties, and many of the Program processes incorporate consideration of public comments.

The Application Comment Forum is an open and transparent mechanism for the public to raise relevant information and issues about new gTLD applications. Anyone in the community, including applicants, may provide comments about an application and any party may choose to respond to comments it believes are spurious or inaccurate in nature in the same forum.

In considering the public comments, Section 1.1.2.3 of the Applicant Guidebook states the following:

> *Evaluators will perform due diligence on the application comments (i.e., determine their relevance to the evaluation, verify the accuracy of claims, analyze meaningfulness of references cited) and take the information provided in these comments into consideration. In cases where consideration of the comments has impacted the scoring of the application, the evaluators will seek clarification from the applicant. Statements concerning consideration of application comments that have impacted the evaluation decision will be reflected in the evaluators' summary reports, which will be published at the end of the Extended Evaluation.*

The Applicant Guidebook (Section 4.2.3) provides further guidance concerning Community Priority Evaluation:

> *When scoring "Opposition," previous objections to the application as well as public comments during the same application round will be taken into account and assessed in this context. There will be no presumption that such objections or comments would prevent a score of 2 or lead to any particular score for "Opposition." To be taken into account as relevant opposition, such objections or comments must be of a reasoned nature. Sources of opposition that are clearly spurious, unsubstantiated, made for a purpose incompatible with*

ICANN

competition objectives, or filed for the purpose of obstruction will not be considered relevant.

In summary, although you may disagree with comments made in opposition to dotgay LLC's application, the Program has mechanisms for you to refute such comments and for evaluation panels to consider the relevance, weight and impact of such comments.

The next point in Mr. Seitz's email was:

The community pointed out suspicion behind the GOProud community objection suggesting spurious activities by a single person versus an organization, yet no process existed nor were attempts made by ICANN staff to confirm and eliminate the objection and reconsideration request presented by Christopher Barron in order to avoid further delay of the dotgay application.

As you know, GOProud's community objection was never fully accepted by the Dispute Resolution Service Provider – the International Center of Expertise of the International Chamber of Commerce (ICC). During the administrative review of the objection, the ICC determined that the objection was not compliant with the ICC Rules for Expertise, the ICC Practice Note on the Administration of Cases under the Procedure and/or the New gTLD Dispute Resolution Procedure of ICANN.[1] Accordingly, the ICC rejected GOProud's objection without prejudice.

Following the ICC's determination, Mr. Barron, who at that time was purportedly associated with GOProud, utilized the Reconsideration Request process, one of the accountability mechanisms[2] specified in ICANN's Bylaws, and asked ICANN to review the ICC's decision to reject GoProud's objection. ICANN's accountability mechanisms are fundamental safeguards to help ensure that the bottom-up, multi-stakeholder model remains effective. Reconsideration, in particular, is a mechanism by which any person or entity materially and adversely affected by an action or inaction of ICANN may request reconsideration of that action by the Board.

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[1] New gTLD Dispute Resolution Procedure with the ICC International Centre for Expertise: http://www.iccwbo.org/Products-and-Services/Arbitration-and-ADR/Expertise/ICANN-New-gTLD-Dispute-Resolution/Procedure/

[2] ICANN's Accountability Mechanisms: https://www.icann.org/resources/pages/mechanisms-2014-03-20-en

Accordingly, ICANN staff cannot simply "eliminate" a Reconsideration Request; to do so would be contrary to ICANN's Bylaws. Upon receipt of a letter from GOProud, ICANN staff sent it to the ICANN Board members reviewing the Reconsideration Request, noting GOProud's comments about its relationship with Mr. Barron, as well as GOProud's statement that it had, and wanted, no involvement in the purported "community objection" that Mr. Barron attempted to file against dotgay LLC's application for .GAY. Taking this information into consideration, the New gTLD Program Committee ultimately denied Reconsideration Request 13-13.[3]

The final point in Mr. Seitz's email was:

> *We have presented proof that a competing Standard applicant for dotgay has indeed paid for a community objection against dotgay, a clear indication of spurious activity, however it was rejected by ICANN with no offer as to what the correct accountability mechanism is to have it investigated or indication as to how ICANN would allow for this information to be presented in defense of a community.*

And you added:

> *One additional spurious activity item that was not originally included in the July 28 email is the exchange received from Rob Schlein of the Metroplex Republicans where he clearly acknowledges he only filed his objection as a favor to Chris Barron (Item_5), who we all know was fraudulently attempting to interfere with our application.*

Although we do recognize your view on this matter, the Applicant Guidebook does not provide any restrictions on who may provide funding for an objection. Section 3.2.2 of the Applicant Guidebook defines that, as part of the dispute proceedings, all objections are reviewed by the Dispute Resolution Service Provider to determine the standing and merits of the objection. The Expert Panel reviewed Metroplex Republican of Dallas' objection against dotgay LLC's application for .GAY, and

[3] https://www.icann.org/resources/board-material/resolutions-new-gtld-2014-03-22-en#1.d

determined that the objector lacked standing, and "even if it had standing [the objection] would have to be dismissed in terms of merits."[4]

Any party, with standing in accordance with the Applicant Guidebook, is eligible to file objections. That said, in the specific instance you mentioned, the objection was dismissed as it was determined that the party did not have standing. The source of funding for this objection was therefore moot.

In conclusion, upon careful review of all the materials provided, and the specific concerns raised, we have not identified anything that indicates the evaluation processes of the New gTLD Program were compromised by the activities cited, and have determined that all of these processes have been followed in all respects.

We recognize that you may still have further concerns. We encourage you to review ICANN's Bylaws, which outlines the various accountability mechanisms that may be utilized, https://www.icann.org/resources/pages/bylaws-2012-02-25-en#IV.

Again, thank you for bringing these issues to our attention. We appreciate the time you have invested in the dotgay LLC's community application for .GAY and your participation in the New gTLD Program. If you wish to discuss further, please do not hesitate to contact me.

Sincerely,

Christine A. Willett

Christine A. Willett
Vice President, Operations
Global Domains Division
Internet Corporation of Assigned Names and Numbers (ICANN)

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[4] ICC Determination Metroplex Republicans of Dallas vs. dotgay LLC:
http://newgtlds.icann.org/sites/default/files/drsp/25sep13/determination-1-1-1713-23699-en.pdf

Annex 5-C

International Chamber of Commerce
The world business organization

International Centre for Expertise ⊠ Centre international d'expertise

NEW GENERIC TOP-LEVEL DOMAIN NAMES ("gTLD")
DISPUTE RESOLUTION PROCEDURE

RESPONSE FORM TO BE COMPLETED BY THE APPLICANT

- *Applicant responding to several Objections or Objections based on separate grounds must file separate Responses*
- *Response Form must be filed in English and submitted by email to expertise@iccwbo.org*
- *The substantive part is limited to 5000 words or 20 pages, whichever is less*

***Disclaimer**: This form is the template to be used by Applicants who wish to file a Response. Applicants must review carefully the Procedural Documents listed below. This form may not be published or used for any purpose other than the proceedings pursuant to the New GTLD Dispute Resolution Procedure from ICANN administered by the ICC International Centre for Expertise ("**Centre**").*

References to use for the Procedural Documents

Name	Abbreviation
Rules for Expertise of the ICC	"**Rules**"
Appendix III to the ICC Expertise Rules, Schedule of expertise costs for proceedings under the new gTLD dispute resolution procedure	"**Appendix III**"
ICC Practice Note on the Administration of Cases	"**ICC Practice Note**"
Attachment to Module 3 - New gTLD Dispute Resolution Procedure	"**Procedure**"
Module 3 of the gTLD Applicant Guidebook	"**Guidebook**"

ICC International Centre for ADR ⊠ Centre international d'ADR de la CCI
38 Cours Albert 1er, 75008 Paris, France
Tel +33 (0)1 49 53 30 52 Fax +33 (0)1 49 53 30 49
E-mail expertise@iccwbo.org Website www.iccexpertise.org

Identification of the Parties and their Representatives

Applicant

Name	Top Level Domain Holdings Limited
Contact person	Antony Van Couvering
Address	Craigmuir Chambers
City, Country	Road Town, Tortola, - VG 1110, VG
Telephone	Contact Information Redacted
Email	Contact Information Redacted

Objector

Name	The International Lesbian Gay Bisexual Trans and Intersex Association
Contact person	Renato Sabbadini
Address	17 Rue de la Charite
City, Country	1210 Brussels Belgium
Telephone	Contact Information Redacted
Email	Contact Information Redacted

Copy the information provided by the Objector.

Applicant's Representative(s)

Name	Minds + Machines
Contact person	Reg Levy
Address	3100 Donald Douglas Loop North, Hangar 7
City, Country	Santa Monica, CA 90405 US
Telephone	Contact Information Redacted
Email	Contact Information Redacted

Add separate tables for any additional representative (for example external counsel or in-house counsel).

Applicant's Contact Address

Name	Minds + Machines
Contact person	Reg Levy
Address	3100 Donald Douglas Loop North, Hangar 7
City, Country	Santa Monica, CA 90405 US
Telephone	Contact Information Redacted
Email	Contact Information Redacted

This address shall be used for all communication and notifications in the present proceedings. Accordingly, notification to this address shall be deemed as notification to the Applicant. The Contact Address can be the Applicant's address, the Applicant's Representative's address or any other address used for correspondence in these proceedings.

Other Related Entities

Name	
Address	
City, Country	
Telephone	
Email	

Add separate tables for any additional other related entity.

Disputed gTLD

gTLD Applicant has applied to and Objector objects to [.example]

Name	.gay

Objection

The Objector filed its Objection on the following Ground (Article 3.2.1 of the Guidebook and Article 2 of the Procedure)

☐ **Limited Public Interest Objection**: the applied-for gTLD string is contrary to generally accepted legal norms of morality and public order that are recognized under principles of international law.

or

☒ **Community Objection**: there is substantial opposition to the gTLD application from a significant portion of the community to which the gTLD string may be explicitly or implicitly targeted.

Copy the information provided by the Objector.

Point-by-Point Response to the claims made by the Objector (Article 3.3.3 of the Guidebook and Article 11 of the Procedure)

(Provide an answer for each point raised by the Objector.)

Top Level Domain Holdings Limited ("TLDH") submits this response to the Community Objection by the International Lesbian Gay Bisexual Trans & Intersex Association ("ILGA") against TLDH's application for .gay.

I. Grounds and Standing

A. Grounds

Under Module 3 of ICANN's Applicant Guidebook (AGB, available at http://newgtlds.icann.org/en/applicants/agb; we note that, while the current version posted is the 4 June 2012 version, the version in effect at the time of submission of TLDH's application for .music was the 11 January 2012 version, a copy of which is available at http://newgtlds.icann.org/en/about/historical-documentation/matrix-agb-v9), for ILGA to have grounds to object, it must show that "[t]here is substantial opposition to the application from a significant portion of the community to which the gTLD string may be explicitly or implicitly targeted."[1]

Since the community itself is not objecting, but rather ILGA, (ostensibly on the community's behalf), the questions of "substantial opposition" to TLDH's application by a "significant

[1] AGB §3.2.1 Grounds for Objection. There is no substantial difference in this section, or any of the other sections referenced, between the 11 January 2012 and the 4 June 2012 versions of the AGB.

portion" of the community must turn on the question of whether the ILGA has in any way measured the purported opposition, or, if it has not, the panel must consider whether the ILGA actually represents the community (see "Standing," below). The objector has offered no evidence of any polling or other measuring of opposition even among its own members, let alone a wider sampling of people who are lesbian, gay, bisexual, transgendered, intersex, genderqueer, or any other person who might fall outside the gender binary.

B. Standing

Under Module 3 of the AGB, ILGA must show that it is an established institution associated with a clearly delineated community.[2]

1. Established Institution

To decide whether an objector is an established institution, ICANN requires that the Dispute Resolution Service Provider (DRSP) consider the level of global recognition of the institution, length of time the institution has been in existence, and the public historical evidence of its existence.[3]

ILGA asserts that it "is the only worldwide federation that unites more than 1,000 lesbian, gay, bisexual, transgender, and intersex (LGBTI) national and local organizations in over 100 nations around the world, fighting for the rights of LGBTI people." These claims are difficult to substantiate, however, since until recently, ILGA did not publish its membership list. This was one of the factors that lead the United Nations (UN) to refuse to reconsider its suspension of ILGA as a consultant non-governmental organization (NGO) due to its association with the North American Man/Boy Love Association (NAMBLA).[4]

In order to determine whether ILGA is "an established institution" within the meaning of the AGB, we have to look at the level of global recognition, length of existence, and historical evidence of its existence. ILGA was founded as the International Gay Association (IGA) in 1978 and rebranded in 1986 as the International Lesbian and Gay Association.[5] Looking at the level of global recognition of ILGA, it once held consultative status as an NGO to the Economic and Social Council (ECOSOC) of the UN, but lost that status in 1994 due to the previously-discussed connections to NAMBLA and other similar organizations promoting illegal activity around the world.[6] The UN does, however, allow 27 other LGBT organizations consultative status in the ECOSOC.[7] Since then, ILGA has struggled to regain that status but has yet to convince the UN that it has severed its ties to pedophilia. ILGA's loss of UN consultative status and its support of pedophilia directly relates to the historical evidence of its existence as a recognized representative of the LBGT community, which has been problematic and *not* recognized by the UN since 1994.

It cannot therefore be said that ILGA is an "established institution," particularly in comparison to other LGBT organizations recognized by international treaty organizations such as the United Nations, within the meaning defined by ICANN in the AGB.

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[2] AGB §3.2.2.4 Community Objection.
[3] *Id*.
[4] http://www.un.org/News/Press/docs/2002/ECOSOC6004.doc.htm.
[5] *Id*.
[6] *Id*.
[7] http://esango.un.org/civilsociety/displayConsultativeStatusSearch.do?method=search.

2. Relationship with a Clearly Delineated Community

To determine whether an objector has an on going relationship with a clearly delineated community, the DRSP must consider the mechanisms for participation in activities, membership, and leadership; institutional purpose related to the benefit of the associated community; performance of regular activities that benefit the associated community; and level of formal boundaries around the community.[8]

a. Not a clearly delineated community

Persons who identify themselves as lesbian, gay, bisexual, transsexual, intersex, queer, and in other non-gender binary manners coalesce and work together as a cohesive community on some issues, for example the battle against Proposition 8 in California in 2008, which saw many LGBTI groups working together in support of marriage equality.[9] It is equally certain that they (and the many and varied organizations that represent them) disagree on many issues, for example the battle against legislation in France in 2013, which saw many LGBTI working together against support of marriage equality.[10] The so-called gay community may be best understood as a series of shifting alliances that coalesce around issues, often with significant dissent, rather than as a defined bloc with an agreed-upon hierarchy where one leader or one group speaks for all its members. We note, for example, the objection filed by Metroplex Republicans of Dallas against the application by dotgay llc, which is supported by the ILGA.[11]

This heterogeneity is boldly evidenced by the substantial disagreement among the many people outside the gender binary and groups over the very name "gay," which is seen by some as a catch-all word for the entire rainbow of persons outside the gender binary, by others as referring to homosexual men only, by others as referring to homosexual men and women only, and by others still as unacceptably dated, exclusionary, and useless at best.[12]

C. Conclusion

Although ILGA may be a worldwide federation, it is not a "community" within the definitional requirements of ICANN, as it is neither an established institution nor does it have an ongoing relationship with a clearly delineated community. ILGA has no standing to bring this objection.

Further, since the word "gay" itself is not universally defined by people who are LGBTI, it is not possible for there to be a "gay community" because it is in no way "clearly delineated."

II. Harm to the Community

ILGA alleges that TLDH's application for .gay will harm LGBTI persons. It includes in this the statement that "in much of the world the members of the Gay Community [sic] are persecuted"[13] however, having a top-level domain (TLD) devoted to the gay community will

[8] AGB §3.2.2.4 Community Objection.
[9] http://weblog.signonsandiego.com/news/metro/20080710-9999-1m10boycott.html.
[10] http://www.dailymail.co.uk/news/article-2312518/Thousands-streets-Paris-protest-legalisation-gay-marriage-set-pass-week.html.
[11] ICANN's list of objections: http://newgtlds.icann.org/en/program-status/odr/filings.
[12] See: http://www.glaad.org/reference/offensive and http://www.pflagatl.org/lgbt-glossary/ for differing opinions—just in the United States—about what the term "gay" means and whether or not it is offensive or recommended.
[13] ILGA Objection to TLDH's .gay application pp 9-10.

allow such members to more freely communicate. Further, simply stating that LGBTI persons are subject to harm around the world does not prove that a .gay TLD run by any of the non-dotgay llc applicants will be detrimental to LGBTI persons or indeed that the dotgay llc TLD will *not* be detrimental to LGBTI persons.

A. Exploitation of the Gay Community

ILGA argues that TLDH's application for .gay is an exploitation of the gay community because .gay is a part of TLDH's broader business model. ILGA claims that this application is "an attempt to usurp" the identity of the gay community.

On the contrary, TLDH's application, as described in its response to application question 18 Mission/Purpose,[14] is intended to benefit the gay community worldwide. It is intended to "allow people of all sexes, cultures and creeds to freely express and voice their opinions and discourse. Moreover, the .GAY domain will serve as an identifiable platform where one can reach out to seek advice, comfort and counseling from others who share common struggles, values and interests."[15]

ICANN has created the application process to expand the TLD namespace and TLDH believes that this is an excellent goal. In fact, TLDH has applied for numerous TLDs, of which .gay is only one. It is true that TLDH's business model intends the .gay TLD to be profitable, but this, in fact, encourages us to run .gay in a manner that benefits the people most likely to want to purchase a .gay domain—people and businesses who are or who support LGBTI people around the world. As discussed in TLDH's Public Interest Commitments (attached) as well as in our response to application question 28: Abuse Prevention and Mitigation, TLDH intends to have an Abuse Point of Contact, whose sole purpose is to ensure that .gay remains a safe space on the internet.[16] TLDH's .gay TLD will have a dispute resolution procedure in addition to the ICANN-mandated processes which will include alternative dispute resolution methods as well as a community flagging process to allow members of the .gay community to report content hosted on domains within the .gay namespace that they believe are inappropriate, harmful, or damaging to any person but especially LGBTI people.[17]

B. No Registration Restrictions

ILGA argues that the fact that TLDH does not place restrictions on registrations within TLDH's .gay namespace is a "large harm". ILGA states that, "second level names in .gay should […] only be allocated to Gay Community members."[18]

It is true that TLDH will not seek to police people and businesses who are interested in a domain name in order to determine whether or not they merit a domain in TLDH's .gay namespace, but this is because TLDH does not believe that anyone has the right to determine another's "gayness". How will ILGA determine, other than by using arbitrary self-established criteria, as to who gets to have a .gay domain and who does not?

There is no consensus within the gay community about what the word "gay" refers to. It was originally used to refer solely to men who were homosexual, to the exclusion of women. For example, the National Gay and Lesbian Task Force, a US-based organization whose mission

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[14] Attached as Annex 1.
[15] *Id*.
[16] TLDH Application, answers to Question 28 and 29, attached as Annex 2; TLDH's Public Interest Commitments ("PICs"), attached as Annex 3.
[17] *Id*.
[18] ILGA Objection to TLDH's .gay application p 10.

is to build the grassroots power of the lesbian, gay, bisexual and transgender (LGBT) community,[19] was known simply as the National Gay Task Force until 1985.[20] In fact, even the International Lesbian Gay Bisexual Trans & Intersex Association was known only as the International Gay Association until 1986 and did not adopt its current name until 2008.[21] Even ILGA today continues to use an abbreviation that ignores more than half of the people it purports to represent.[22] Should lesbians be allowed to use a .gay domain? Will they be allowed to in ILGA's .gay TLD? TLDH's commitment to free speech and non-discrimination will allow anyone who wants to identify with the broader LGBTI population around the world—including lesbians, bisexuals, the transgender, queers, allies, and the entire spectrum—will have a place in the TLDH .gay namespace.

ILGA states that harm will come to the gay community if a .gay TLD is not restricted. However, more harm will come to members of the broader gay community who self-identify as belonging to the gay community but who will be denied a place by ILGA and dotgay llc's discriminatory registration policies.

In addition, policing of "gayness" sufficient to merit a domain in dotgay llc's namespace is offensive to say the least. What kinds of test will be required? How will a finding of insufficient (or sufficient) "gayness" be rebutted by an honest applicant against a slander?

Requiring a certain level of "gayness" as dotgay llc and ILGA seem to desire is also incredibly harmful to LGBTI people and supportive businesses around the world. As ILGA itself notes, "in much of the world the members of the Gay Community [sic] are persecuted,"[23] yet they appear to be desirous of publishing a list of LGBTI persons via their Whois (as required by ICANN).[24] Any country in the list published by ILGA itself[25] need simply download the latest Whois list to find a list of people to incarcerate, prosecute, persecute, or kill. Perhaps countries—even countries that are not unfriendly to LGBTI people—will check visa or citizenship requests against dotgay llc's Whois before making a decision. It is dotgay llc's closed policies that will cause more harm—in tangible form—to LGBTI people and businesses than TLDH's open policies.

C. Misappropriated Resources

ILGA argues that the gay community should have a say in who gets important generic domains in a .gay TLD and objects to the fact that TLDH will use a market-based model to determine who gets premium domain names. While failing to articulate why the gay community would be harmed by a market-based solution, ILGA once again runs into the problem of attempting to determine whether one registrant or another is "gay enough" for the purposes of dotgay llc's .gay TLD.

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[19] http://www.thetaskforce.org/about_us/mission_statements.
[20] http://www.thetaskforce.org/about_us/history.
[21] Report of Proceedings: 3rd Regional Conference of the International Lesbian and Gay Association–Asia (ILGA–ASIA) pp 10, 27 available at http://isiswomen.org/index.php?option=com_content&view=article&id=936:-3rd-international-lesbian-gay-association-ilga-conference-proceedings&catid=139:ilga-2008&Itemid=233.
[22] "ILGA" stands for "International Lesbian and Gay Association", ignoring ILGA's bisexual intersex and trans members.
[23] ILGA Objection to TLDH's .gay application pp 9-10.
[24] AGB §2.2.3.2 Customary Services.
[25] State-Sponsored Homophobia Report and Gay and Lesbian Rights Map http://ilga.org/ilga/en/article/1161.

D. Stolen Funding Opportunity

ILGA's argument that TLDH has, in any way, stolen anything from LGBTI people is risible, even more so because at the time of ILGA's objection, the dotgay llc application had not even passed initial evaluation. As of now, dotgay llc's application remains contested by no less than three other applications. ILGA is arguing that TLDH has stolen something that, as yet, does not even exist. As importantly, such argument is based on the conclusory statement that dotgay, llc and the ILGA are the representatives of a definitive "gay community" from which TLDH or anyone else could "steal;" as set forth above the ILGA can in no way be seen as the definitive representative of an alleged "gay community."

E. Community Safety

As discussed above in II. A., TLDH's .gay policies are intended to promote free speech and user policing. ILGA argues that a .gay extension to a domain name indicates involvement with LGBTI people—something TLDH agrees with. However TLDH refuses to be in the business of determining how involved in the gay community someone has to be to be considered "gay enough" or "gay friendly enough" to merit a .gay TLD. ILGA goes on to list a number of horrors—that TLDH's .gay TLD will be used by registrants to promote each registrant's desired goal rather than staying in lockstep with dotgay llc's vision of what an appropriate "gay" use of the domain is. TLDH prefers to promote free speech and rely upon user policing to ensure a thriving online space within the .gay namespace, which strategy is significantly more respectful of the diversity and rights of the gay community than ILGA's and dotgay, llc's self-appointed, arbitrary determinations of use.

As discussed above in II. B., dotgay llc's policy of requiring people to be "gay enough" before allowing them a domain in dotgay llc's .gay namespace is extremely dangerous and harmful to anyone who acquires—or who is barred from acquiring—such a domain. The harm discussed above is not an ill-defined theft of something not yet in existence, but a real, definable harm to person, property, and freedom if dotgay llc's Whois is used to hunt down people and businesses.

F. Conclusion

ILGA has alleged but has not shown any exploitation by TLDH of any so-called "gay community" (and indeed has not even shown that such a community exists) or any theft of existing resources from such claimed community. Further, rather than showing that TLDH's application for .gay could cause some nebulous and ill-defined harm to LGBTI persons, it is in fact the case that dotgay llc's application for .gay would cause real physical harm to LGBTI persons around the world.

TLDH accordingly respectfully requests that the Panel deny ILGA's request for withdrawal of TLDH's application for the .gay TLD.

Communication (Article 6(a) of the Procedure and Article 1 of the ICC Practice Note)

A copy of this Response is/was transmitted to the Objector on: 22 May 2013 by email to the following address: Contact Information Redacted

A copy of this Response is/was transmitted to ICANN on: 22 May 2013 by email to the following address: drfiling@icann.org.

Filing Fee (Article 1 Appendix III to the Rules and Article 11(f) of the Procedure)

As required, Euros 5 000 were paid to ICC on 22 May 2013.

☐ Evidence of the payment is attached for information.

Description of the Annexes filed with the Response (Article 11(e) of the Procedure)

List and Provide description of any annex filed.

Annex 1: Excerpt from TLDH's application for .gay: Answer to Question 18
Annex 2: Excerpt from TLDH's application for .gay: Answers to Questions 28 and 29
Annex 3: TLDH's Public Interest Commitments ("PICs")

Date: _____

Signature: 

Annex 1:
Excerpt from TLDH's application for .gay:
Answer to Question 18

Mission/Purpose

18(a). Describe the mission/purpose of your proposed gTLD.

OVERVIEW
The goal of the .GAY top-level domain is to have an interactive, identifiable, and easily accessible outlet for people in the gay community or interested in gay-related issues. We wish to provide a top-level domain that provides an identifiable means of communicating with people who identify as gay, lesbian, bisexual, transgender, genderqueer, and their allies (GLBTQA) as well as with organizations and businesses that market to, support, associate with, or identify with the GLBTQA population.

With the passage of statutes and laws which help to protect the rights of homosexual, bisexual, transsexual, and transgendered people in communities throughout the united states and the world, people are more likely to openly and comfortably express themselves rather than keeping their sexuality private.

MISSION & PURPOSE
We believe that there are fundamental rights that should apply to all people including freedom of speech and association, liberty, and equal treatment. This company stands firmly by the notion that these inalienable rights should not be affected or altered depending on one's sexual orientation, identity or preference.

The .GAY domain will allow people of all sexes, cultures and creeds to freely express and voice their opinions and discourse. Moreover, the .GAY domain will serve as an identifiable platform where our can reach out to seek advice, comfort and counseling from others who share common struggles, values and interests.

18(b). How do you expect that your proposed gTLD will benefit registrants, Internet users, and others?

That the public benefit from the .GAY domain is clear: having a platform for those who associate themselves with the gay, lesbian, bisexual, transgender, genderqueer population--or their allies (GLBTQA)--in business, culture, or education. The .GAY domain will serve as a catalyst to a fairer, more tolerant and well-balanced society.

PUBLIC BENEFIT
We believe that the Internet-using world will benefit from the existence of a .GAY gTLD by:

- making domain names ending in .GAY available to all those who may want to use such .GAY domain names for their own business, personal, political or other legal purposes in the United States and world-wide.

- the promotion of the GLBTQA population by having information of any and all types and for any and all legal purposes available and disseminated from websites and email addresses ending in .GAY for the registrants' and users'

own purposes world-wide.

- the promotion of the GLBTQA population by allowing businesses, not-for-profits and individuals to associate their products, services, information and selves with the GLBTQA population for their own purposes.

- allowing people and organizations to promote their association with the GLBTQA population on the Internet.

- providing an identifiable means for people, organizations and businesses to communicate with those who associate with the GLBTQA population.

EXPANDING THE TLD NAMESPACE

Over the past decade, the market for domain name registrations has grown at a tremendous pace. From 2000 to 2010 domain name registrations increased from 40 million to 200 million domain names registered globally. 2011 experienced a growth of approximately 9%, which was significantly higher than the previous year's 6% growth, ending third quarter 2011 with approximately 220 million domain names registered globally. Approximately 60% of these are gTLDs, while the remaining 40% are comprised of ccTLDs. More specifically, gTLD growth was approximately 8% in 2011, while ccTLD growth exceeded 11%.

Existing TLDs, such as .COM and .NET, do not provide adequate solutions for many registrants. Domain names that relate to the registrants' business, interests, or associations are often already registered, priced exorbitantly high, or available options are unsuitable. Additionally, other options, such as ccTLDs, do not provide adequate alternatives as a registrant may not have any geographic relation or meet the criteria associated with other gTLDs such as .MUSEUM or .AERO. Therefore, the only available opportunity to pursue a relevant and useful domain name registration may be through a brand new registration of a gTLD.

Taking into account the new opportunities available with new gTLDs, growth is expected to continue in all sections of the domain name industry. It will benefit registrants and users by allowing registrants to reach more targeted audiences and increase their web presence. Additionally, it will allow registrants to more closely identify with a particular market segment.

At present, there is no specific .GAY domain name, or useful top-level alternative domain name, that exists for the people, organizations or businesses that associate themselves with the GLBTQA population or people, organizations or businesses that want to communicate with them. Those desirous of a domain name that indicates some level of association with the GLBTQA population could seek a second level domain name such as "GAY.COM," "GAY.US" or "GAY.NET," but such domains (or similar names) are not readily available under the limited number of existing gTLDs, and--more importantly--only provide a secondary (at best) or weak (at worst) relationship between the domain name and the GLBTQA population, which we believe is the primary goal of the registrant of such names.

From a competitive perspective, registrants that want a domain name that effectively and efficiently shows an association with the GLBTQA population or registrants that want a domain name that allows them to identifiably communicate with people who associate or identify with it face a domain name marketplace that provides them with few, if any, options for their purposes. The .GAY top-level domain will resolve this problem by providing registrants with an efficient, effective, prominent, instantly understood way of showing their association with the GLBTQA population, and provide those registrants

who desire it a domain that that can effectively communicate information to such Internet users in an identifiable way. At the same time, .GAY provides competition with the existing TLDs and new gTLDs that will be approved by ICANN, benefiting the Internet community at large by increasing consumer choice.

We believe that the .GAY top-level domain will add significantly to competition and differentiation in the top-level domain space, both for registrants and Internet consumers. With respect to competition, registrants are presently extremely limited in their choice of domain names that allow them to efficiently and effectively associate themselves with the GLBTQA population. The availability of useful, effective, straight-forward domain names on existing top-level domains, such as .COM, .NET and .ORG, are few and far between, or may be for sale at prices that are out of reach for most. .GAY will allow registrants to obtain useful, effective, straight-forward domain names rather than be forced to purchase, for example, their fifth, sixth or even later choice .COM or .NET name--which may well barely relate to the registrant's purpose--or use of a domain name that may be confusingly similar with numerous other .COM or .NET domain names. In addition, some existing generic top-level domain names, though newer, such as .XXX, may be inappropriate for most registrants for content associational reasons, while country-code top-level domains, though numerous, are not useful or appropriate for many registrants for geographical associational reasons. Thus, .GAY will increase competition for registrants who want a domain name that clearly, effectively and efficiently associates them with the GLBTQA population for their domain name purposes as well as for those registrants who want to reach Internet users who identify with it.

.GAY will also increase pricing competition in the top-level domain name space by assuring that .GAY domain names are priced at levels that are appropriate to the vast majority of potential registrants to whom .GAY is targeted.

Internet consumers benefit from this increase in competition, as less confusing and clearly associated .GAY domain names will make it easier for them to know that the owner of the second-level domain name is a member of or seeks to associate with the GLBTQA population.

Likewise, .GAY will help significantly increase differentiation in the top-level domain space. Existing leading generic top-level domain names, such as .COM, .NET and .ORG no longer require and no longer represent any real differentiation in association, purpose or content. Newer top-level domains, such as .XXX, .AERO and .MUSEUM, do represent differentiation, but are either inappropriate or unavailable to most prospective registrants at whom .GAY is targeted. .GAY will further increase differentiation by allowing registrants to be associated, and consumers to know that the registrant seeks to associate with the GLBTQA population.

In terms of user experience, .GAY will provide users with a top-level domain name that allows them to easily recognize that the registrant seeks to have its second-level domain name and content associated with the GLBTQA population. We believe this will be of substantial benefit to the Internet user community in generally--and the gay, lesbian, transgender, genderqueer population and their allies specifically--as it will allow them to more easily and more readily understand the purpose or motives of the registrant's website or email, allowing for better, more efficient and more effective use of their time online.

On balance, and for the reasons set forth above, a .GAY domain will be in the public's interest; it will serve as a catalyst to promoting tolerance, equality and the gay, lesbian, transgender, genderqueer population and their allies; and it will benefit societies around the world.

18(c). What operating rules will you adopt to eliminate or minimize social costs?

This applicant, like most organizations, takes its good reputation seriously. We are fully cognizant, for example, that artistic, political, economic and social issues, all of which can be associated with the GLBTQA population, often provoke heated debate and are at times controversial. However, we recognize and support the free speech rights of both registrants and Internet users as fundamental rights and believe that such free speech rights are important to the success of the .GAY business plan. We believe that any plan to stifle free speech would be more harmful to .GAY's reputation and business success than any attempt by us to govern speech. That being said, to protect .GAY's reputation and the associational benefits it offers registrants and Internet consumers, we will actively promote and enforce our Acceptable Use and Abuse Prevention policies and procedures, which we believe will effectively combat improper or unlawful unprotected speech and online conduct. We believe that these mechanisms will be effective in assuring the reputation of the .GAY top-level domain, its registrants, Internet Users, as well as the public.

The .GAY top-level domain will be marketed to registrants who want to associate themselves, their products, services, thoughts, ideas or anything else in a positive way with the GLBTQA population, as well as to those who want to communicate with them in an easily identifiable way. Therefore we believe that the great majority of registrants who apply for a .GAY domain name will do so because of its association with or because they want to reach those who do, and not for other reasons. In these ways, the .GAY top-level domain will bring a special association with the GLBTQA population to the top-level domain name space.

We are dedicated to protection of third-party rights and prevention of abusive uses of the .GAY domain name. We intend to achieve this goal by crafting our Naming Policy, Acceptable Use Policy, and other policies to be readily understandable and easily accessible, and by making sure that our mechanisms for enforcing rights and preventing abuse (such as our Complaint Resolution Service) operate effectively, efficiently, and fairly. In addition, we will ensure that they work symbiotically with other ICANN-mandated rights protection mechanisms such as the UDRP.

We have crafted a draft framework for registration of .GAY domains that fully supports the goals and benefits set forth above. Our draft registration framework is based on advice from ICANN, WIPO, applicable laws, and a variety of other expert sources. Specifically, the .GAY draft framework includes these interrelated sets of agreements setting forth our policies and regulations, all of which registrants must agree to be bound by:

- The Registrant Agreement, which registrars contracted with .GAY must present to registrants. This is a collateral agreement to the Registrar Registry Agreement (detailed below), and will bind registrants to .GAY's Acceptable Use Policy (as detailed below), .GAY's Privacy & Whois Policy (detailed below), ICANN-mandated rights protection mechanisms (including the

Universal Dispute Resolution Policy (“UDRP”), and the Complaint Resolution Service;

- The Acceptable Use Policy (“AUP”), which details the proper use of domain names that end in .GAY, which is incorporated by reference in the Registrant Agreement that registrants must agree to;

- The Privacy and Whois Policy, which describes how a registrant’s personal data is to be used, which is also incorporated by reference in the Registrant Agreement;

- The Registrar-Registry Agreement, which is the contract between .GAY and its ICANN-accredited registrars, which sets forth, inter alia, the duties and obligations of the registrar with respect to .GAY registrants and the .GAY registry; and

- The Naming Policy, which sets out .GAY’s policies governing prohibited, blocked or reserved domain names.

These agreements and policies are designed to ensure transparent and non-discriminatory policies for the registration of .GAY names; fair and competitive pricing; protection of personal data and privacy; adherence by registrars and registrants to the AUP; protection of trademarks, the names of natural and legal persons and other property rights; prevention of the registration of illegal terms; and the prevention violations of the law. Moreover, our policies promote competition among registrars, combat abuse of the DNS, address cybercrime, protect intellectual property rights, and align the .GAY top-level domain with applicable regulatory and legislative environments and Internet registry best practices.

These policies will effectively support the key mission, purposes and goals of the .GAY top-level domain, which is to allow registrants who want to associate themselves with, while at the same time protecting third-party rights and preventing abuse.

We specifically examined more restrictive registration policies, such as limiting registration to members of organizations with a specific tie to the GLBTQA population. We rejected such limitations because they would interfere with .GAY’s primary mission, purpose and goals--which is to encourage as many registrants as possible to associate themselves with the GLBTQA population for any legal purpose. Factors that we took into account when considering a more restrictive registration policy included:

- Our recognition that registrants of a .GAY domain name will self-select because they have an interest in the GLBTQA population, naturally reducing the number of potential registrants; and, because restrictive policies such as, for example, requiring membership in a specific organization or organizations, would exclude many legitimate registrants from obtaining a .GAY domain name. For example, and by way of illustration, if membership an organization were required for registration, businesses and charitable organizations that would find a .GAY top-level domain name an effective marketing tool would be excluded from registering a .GAY domain name as they might not be eligible to be members in an organization that accepted only natural persons for membership.

With respect to protecting registrant privacy and confidential information, we will comply with all applicable ICANN rules, including Whois policies, and all applicable laws, rules and regulations of appropriate jurisdictions.

Registrant privacy and use of confidential information are set forth in our Privacy & Whois Policy. Information concerning updates and changes to the Privacy & Whois Policy will be promptly and prominently displayed on the .GAY web site.

.GAY's back-end registry services provider will also be required to employ industry-standard procedures to prevent the unauthorized or illegal access of registrant privacy or confidential information.

With respect to users, .GAY's Registration Agreement will require that all registrants comply with any and all applicable laws, rules or regulations concerning user privacy and confidential information for applicable jurisdictions; failure to do so may result in suspension or loss of their .GAY name and may, in addition, result in legal actions by appropriate authorities.

We plan to minimize social costs primarily through clearly written, widely disseminated, and easy-to-understand policies. Our Acceptable Use Policy clearly delineates unacceptable behavior and prohibited content by registrants using domain names in the .GAY zone.

Our rules concerning applications for the same domain name establish clearly delineated rules, and will be published well in advance. They provide adequate safeguards for the rights of all participants as well as expeditious and cost-effective challenge procedures in the event of disputes.

During the Sunrise period and Landrush periods, multiple applications for the same name will be resolved by auction. UDRP or URS will be used if there are disputes as to rights to a name.

After Sunrise and Landrush, domain names will be allotted on a first-come, first-serve basis. All domains are subject to UDRP and URS challenges.

At all times, .GAY's Complaint Resolution Service will be available to registrants and the public in the case of alleged prohibited use or content.

.GAY does not envision special discounts for different classes of registrants, but may consider such offers in the future. We may offer introductory discounts for first-time registrants in .GAY. Bulk registration discounts are not being considered at this time.

.GAY plans to make contractual commitments to registrants regarding the magnitude of price increases. .GAY will contract with its registrars that any percentage increase in renewal and first registration fees will be applied uniformly across all registrations, and that notice of any price increases will be provided on the registrar's website and by the registrar to registrants via email six months or more in advance.

Annex 2:
Excerpt from TLDH's application for .gay:
Answers to Questions 28 and 29

28. Abuse Prevention and Mitigation

28.1 --ABUSE POINT OF CONTACT--
Strong abuse prevention is an important benefit to the Internet community. .GAY and its registry services provider, Minds + Machines, agree that a registry must not only aim for the highest standards of technical and operational competence but must also act as a steward on behalf of the Internet community in promoting the public interest. One of those public interest functions for a responsible domain name registry includes working towards the eradication of abusive domain name registrations, including, but not limited to, those resulting from:

* illegal or fraudulent actions
* spam
* phishing
* pharming
* distribution of malware
* fast flux hosting
* botnets
* distribution of child pornography
* online sale or distribution of illegal pharmaceuticals

Minds + Machines provides the staff and technology to handle abuse prevention and mitigation. Roles and responsibilities refer to Minds + Machines staff. The Compliance Administrator (CA) serves as the primary Abuse Point of Contact (as required by ICANN). CA will be responsible for overall policy development and enforcement.

CA will administer the complaint resolution process, and communicate with registrars (with the assistance of the Registrar Liaison), with law enforcement, the World Intellectual Property Organization and industry organizations such as the Anti-Phishing Working Group and the Registration Abuse Policies Working Group. Minds + Machines' Chief Technical Officer (CTO) will also serve as the secondary Abuse Point of Contact. The CA, CTO or other personnel will be reachable on a 24⁄7 basis to deal with any alleged abuses that require immediate attention, whether from law enforcement or otherwise.

On the technical side, the Chief Technology Officer (CTO) is responsible for implementing abuse prevention and mitigation software on the Espresso registry platform and the abuse information and reporting features of the website.

All of the Registry staff will be trained to (i) respond to communication concerning abuse via the published (the required abuse point-of-contact) and restricted (only available to law enforcement and the customers) contact details; (ii) perform sufficient verification to distinguish genuine claims from the malicious and from false positives; (iii) enter the details into the abuse tracking and monitoring system; (iv) identify and contact the registrar of record, inform them of the complaint, initiate a prompt investigation of the complaint and note any information received back from the registrar; and (v) report progress to the complainant at appropriate times.

Primary and secondary Abuse Points of Contact, as well as designated employees, will be supplied with pagers and smart phones, and create an "on call" roster to assure 24x7 availability of abuse prevention and mitigation resources.

The website will prominently display and provide easy access to policies, resources available for handling complaints regarding abuse, and how to

contact the designated Abuse Point of Contact. The Abuse Point of Contact staff will provide timely responses to complaints.

An abuse and complaint tracking and monitoring system will be set up as part of the registry software and maintained by Minds + Machines on our behalf. No further resourcing or provisioning will be required to maintain this effective 24x7 system.

28.2 --ABUSE PREVENTATION AND MITIGATION PROGRAM--
The abuse prevention and mitigation program (the “Program”) is based on best practice policy recommendations developed by the Council of Country Code Administrators (CoCCA), on lessons learned from previous new gTLD launches, on the operating experience of TLDs such as .COM, and on participation in policy working groups and debate at ICANN. All policies are consistent with and conform to ICANN consensus policies where applicable. Twenty-five ccTLDs use the CoCCA policy framework to ensure protection of the registry, and to minimize abusive registrations and other activities that affect the legal rights of others. We have updated the best parts of these policies to the new gTLD environment to protect the specific needs of the registry and the registrants, and the rights and needs of third parties. Wherever applicable, we follow the recommendations of NIST SP 800-83 Guide to Malware Incident Prevention and Handling.

The Program is comprised of policies, procedures and resource allocation that aim to prevent and mitigate abusive practices at all levels of registry operations and domain name use.

The Program aims to: (i) prevent the registration of names that violate policies; (ii) provide efficient procedures for the reporting and removal of names that violate policies if they are registered; (iii) provide efficient procedures for the reporting and removal of domains which engage in abusive or unlawful practices; and (iv) secure and protect domain name ownership and Whois information.

The Program is designed to provide for the transparent and non-discriminatory registration of domain names; to protect Whois data and privacy; to ensure adherence by registrars and registrants to the Acceptable Use Policy (AUP); to protect trademarks and prevent registration of blocked and reserved names; to prevent the registration of illegal terms and inappropriate names; to prevent violations of the law; to combat abuse of the DNS; to address cybercrime; to protect intellectual property, and to align use of the registry with the applicable regulatory and legislative environments. We note that while as a registry operator we cannot remove prohibited or unlawful content from the Internet, we can and will seek to ensure that the network is not part of the abuse or publication chain.

The Program is balanced between the need to prevent abusive registrations and uses, the need to properly implement ICANN policies and follow applicable laws, and the need to respect the legal rights of registrants and others. The goal is to encourage legitimate use while discouraging abusive or illegal use. We recognize the importance for the overall health and reputation of the registry that we handle abusive registrations and use quickly, fairly and impartially.

The Program will be administered to (i) ensure that registrars adhere to registration policies; (ii) enforce the policies with registrars and registrants; and (iii) prevent any violations as effectively and efficiently as possible. The means for enforcing policies and procedures will be the

comprehensive contract, which sets out penalties for non-compliance; and the registry software, through which some regulations and procedures will be enforced (for instance, blocking reserved names and displaying Trademark Clearinghouse notices and warnings).

The Program employs a model that includes registry-level suspensions for AUP and other policy violations; and also provides that the use of a domain is subject at all times to the AUP's provisions concerning cybercrime, prohibited content, intellectual property abuses and other issues of importance to the Internet, security, intellectual property, legal and law enforcement communities.

Below we describe various agreements and policies, each of which will be a part of the Program:

(1) REGISTRANT AGREEMENT - The Registrant Agreement, which must be presented to the registrant for agreement by the registrar as a condition of registration, binds the registrant to ICANN-mandated rights protection mechanisms, including the Uniform Dispute Resolution Policy ("UDRP"), AUP, Privacy Policy, Whois Policy, and the Complaint Resolution Service. At the time of registration, registrars will be contractually required, pursuant to the Registry-Registrar Agreement, to bind registrants to these agreements.
(2) REGISTRY-REGISTRAR AGREEMENT (RRA) - The primary mechanism for ensuring that registrars adhere to registration guidelines, meet the obligations set forth in the policies and pass them on to registrants will be through the RRA we will sign with registrars. The terms of the RRA adhere to ICANN policies and contain additional abuse safeguards. The RRA includes provisions that must also be included in the contract between registrars and registrants. Registrars may include additional provisions, but those provisions may not conflict with the language provided by us, and registrars must include the terms and conditions in their entirety, and legally bind registrants to them. It is by this mechanism that registration and use policies, regulations and procedures will be passed on to registrants. The RRA contains provisions to combat abusive registrations or use as required by ICANN policies, applicable laws, and the registry's Acceptable Use Policy.

(3) ACCEPTABLE USE POLICY (AUP) - The AUP is incorporated by reference into the Registrant Agreement. It defines the acceptable use of second-level domains, and is designed to ensure that the registry is used for appropriate and legal purposes. It specifically bans, among other practices, the use of a domain name for abusive or illegal activities, including (i) illegal, fraudulent, misleading, or deceptive actions or behavior; (ii) spamming (the use of electronic messaging systems to send unsolicited bulk messages, including email spam, instant messaging spam, mobile messaging spam, the spamming of Web sites and Internet forums, and use of email in a Distributed Denial of Service (DDoS) attack); (iii) phishing (the use of counterfeit Web pages that are designed to trick recipients into divulging sensitive data such as usernames, passwords, or financial data); (iv) pharming (the redirecting of unknowing users to fraudulent sites or services, typically through DNS hijacking or poisoning); (v) willful distribution of malware (the dissemination of software designed to infiltrate or damage a computer system without the owner's consent--e.g. computer viruses, worms, keyloggers and Trojan horses); (vi) fast-flux hosting (use of fast-flux techniques to disguise the location of Web sites or other Internet services, or to avoid detection and mitigation efforts, or to host illegal activities); (vii) botnet command and control (services run on a domain name that are used to control a collection of compromised computers or "zombies," or to direct DDoS attacks); (viii) distribution of obscene material, including but not limited

to child pornography, bestiality, excessive violence; (ix) illegal or unauthorized access to computer networks or data (illegally accessing computers, accounts, or networks belonging to another party, or attempting to penetrate security measures of another party's system, often referred to as "hacking," or any activity that may be used as a precursor to an attempted system penetration, such as port scanning, stealth scanning, probing, surveillance or other information gathering activity); (x) deceptive or confusing uses of the domain or any content provided thereon with respect to any third party's rights; (xi) disrupting the registry network or the provision of any content capable of disruption of computer or systems or data networks; (xii) providing circumvention technologies, technical information or other data that violates export control laws; (xiii) spoofing (forging email network headers or other identifying information); and (xiv) distribution of any other illegal or offensive material including hate speech, harassment, defamation, abusive or threatening content, or any other illegal material that violates the legal rights of others including but not limited to rights of privacy or intellectual property protections.

(4) PRIVACY AND WHOIS POLICY - The Privacy & Whois Policy is incorporated into the terms and conditions presented to potential registrants. It is designed to prevent abuse by: (i) requiring that registrants provide us with accurate information to be included in their "thick" Whois listing; (ii) by requiring that registrars proactively require registrants to verify and/or modify their Whois information to ensure its accuracy on an ongoing basis as per ICANN policy; and (iii) making the failure to provide or maintain complete and accurate Whois information a material breach of the Registrant Agreement, which will allow us to cancel any registration for which the Whois information is not accurate or complete.

(5) EXPIRED DOMAIN DELETION POLICY — As per ICANN policy, the Expired Domain Deletion Policy sets out how a domain name is registered and renewed, and includes policies and procedures for redemption and grace periods.

(6) NAMING POLICY - The Naming Policy sets out policies governing prohibited, blocked, and reserved names and eligibility criteria for registrants. It also provides registrants with information regarding trademark and third party rights in names, and offers guidance on choosing a domain name that comports with the policies, regulatory and legal policies, and the rights of third parties. This Policy will provide registrants with the list of blocked and reserved names; explain the rights of trademark holders and the role of the Trademark Clearing House in the registration process; and explain the policies concerning "typosquatting" - misspellings, "typos" or other names that give false or misleading impressions.

A plain language version of the policies will be made available to registrars and potential registrants. Registrants will be required to give their informed consent to be bound by the policies during the registration process, but we recognize that registrants may not fully understand what they are agreeing to when they register a domain name, because the contractual language can be difficult, particularly for a non-native reader of English. As an example, registrars will present the terms and conditions to the registrants and secure their agreement prior to registration. The terms and conditions are many pages long and contain words and concepts that may not be familiar to an average Internet user. Since registrants cannot adhere to policies if they cannot understand them, we will also require registrars to provide a prominent link to a "plain-language" overview of the policies posted on the website. This link will set forth the major terms and conditions in non-legal terms in order to make them understandable to the

average registrant. While contracts will be the official and legally binding agreements, we believe the plain-language overview will be very useful for conveying to registrants the major points of their obligations with regard to their domain name itself and their use of that domain name.

The policies and the plain language overview will be prominently available on the website together with explanations and links to the Uniform Rapid Suspension (URS) Service, the UDRP, and the Complaint Resolution Service, with instructions and facilities for reporting alleged abuses to us directly.

28.3 --ANTI-ABUSE MEASURES PRIOR TO REGISTRATION--
The Program will include policies and procedures designed to prevent abusive registrations and use from the start by providing users with guidelines for choosing names, informing them of the proper and improper use of those names, and the consequences of abuse. The anti-abuse measures prior to registration include:

(1) Implementation of the Trademark Claims Service (TCS): In the case where a potential registration is an exact match to an applicable trademark in the Trademark Clearing House, the TCS automated notification service will inform registrants that the name they may be about to register may be a violation of the trademark rights of a third party, and that their registration may be subject to challenge and possible cancelation. We will not, however, reserve or block domain name registration of terms, or confusingly similar terms, which might infringe intellectual property or other rights. The Naming Policy will however advise registrants that prior to registering the name, it is the registrants' responsibility to determine whether or not any particular term might infringe the intellectual property or other legal rights of an entity or individual. The Policy will also encourage registrants to perform a trademark search with respect to the term comprising the domain name prior to registration, and inform the registrant that it is solely liable in the event that the name constitutes an infringement or other violation of a third party's rights, which may include criminal liability for willful, fraudulent conduct.

(2) Prohibition of a duplicate application for registration of a domain name with another registrar: The policies prohibit a registrant from submitting an application for a domain name if the registrant has previously submitted an application for registration of a domain name for the same term with another registrar where the registrant is relying on the same eligibility criteria for both domain name applications, and the name has previously been rejected by a registrar or by the registry.

(3) Preventing numerous attempts to register reserved or blocked names: The policies provide that registrants who repeatedly try to register reserved or blocked names, or names that infringe the rights of others, will be banned from registering domain names. Further, any domain names registered to them will be cancelled or transferred, as provided for in the Registrant Agreement and AUP. We specifically inform such users that we reserve the right to refer them to appropriate legal authorities.

(4) Blocking/flagging certain names: We will be able to enforce many of the registration policies at the point of registration through the Espresso platform. For example, the Espresso platform can block certain prohibited names from registration. In addition, domain names that are doubtful--for instance names that contain within them blocked or reserved names--or portions thereof--may be flagged for further review before they are delegated. We believe that a robust implementation of registration policies

through the registry software is the best first line of defense against certain types of violations. The Espresso platform is easily programmed to disallow any registrations set forth on the list of blocked or reserved names.

28.4 --POST-REGISTRATION ANTI-ABUSE MEASURES--
Even with policy implementation, oversight, and automated anti-abuse features, abuse registration and use may occur. In addition, innocuous domain names may be used for abusive purposes, such as phishing or spamming. Therefore, post-registration policies and procedures are designed to effectively and efficiently prevent and mitigate abuses with respect to registered domain names themselves and also their use.

(1) Suspension⁄Cancellation: The policy framework allows us to suspend or cancel registrations that violate certain terms of the Registrant Agreement and related policies. We reserve the right to cancel or suspend any name that in our sole judgment is in violation of the terms of service. With cancelation, to the extent permitted by applicable law, we may publish notice of the cancelation, along with a rationale for the decision.

We believe that this step is important for several reasons: (i) It will help us keep the trust of Internet users, who will see that our actions are not arbitrary; (ii) it will act as a deterrent, as violators' names will be published; and (iii) it will provide valuable additional information to users about which names are considered violations, by providing examples of names that have been canceled because they are offending terms.

In the case of clear-cut violations of the policies, we will take immediate action without refund of the registration fee.

(2) Putting domain names in a "pending" status: In certain cases where we determine that a registration may be in breach of the policies, we may put a registration in "pending" status, in which the registration itself is not affected, but in which the domain name will not resolve. Names in a "pending" state can be restored to operational status. In this case, we will inform the registrant of the initial determination and provide the registrant with a speedy mechanism, such as the Complaint Resolution Service, to assist us in resolving the issue, or to appeal the decision.

(3) Infringement of trademarks: With respect to registrations that infringe trademarks, ICANN has policies and procedures in place that provide a wide net of protections. These policies provide for very quick cancelation of obvious infringements via the Uniform Rapid Suspension (URS), and for less obvious violations, the UDRP. These policies are the result of many years' experience and extensive negotiations with the trademark community. Additionally, these mechanisms are reasonably well understood by both trademark holders and registrants. We believe that abiding by ICANN's established policies for dealing with alleged trademark infringing registrations provides the best level of protections for both trademark owners and applicants. We will make the URS and UDRP mandatory procedures for handling such disputes through contracts with the registrars.

A more detailed discussion of the rights protection mechanisms may be found in Question 29: Rights Protection Mechanisms.

(4) Complaint Resolution Service (CRS): While ICANN has a number of procedures in place to prevent abusive registrations, especially with regard to violations of intellectual property rights, we will in addition implement

a CRS. The CRS is a formal process that provides a low-cost, efficient, neutral, and clear-cut mechanism for complaints from the public concerning alleged illegal content, abusive or disruptive use of a domain name (e.g. phishing or spam) or other inappropriate conduct to be fairly adjudicated. The policies provide that the CRS is available to anyone, including rights holders. The CRS is a multi-step process designed to ensure fairness and is analogous to an ombudsperson process. It provides an easy method for lodging complaints while protecting registrants from arbitrary, harassing, or repetitive meritless claims. The CRS is described in detail in Question 29.

(5) Trademark Claims Service (TCS): In addition to warning potential registrants prior to registration that their choice of domain name may infringe the rights of others, the TCS will inform trademark holders that a potential infringement of their mark has been registered. This will provide the trademark holder with the opportunity to challenge the registration, via the URS, UDRP, or court action. The TCS will provide means to inform trademark holders who have successfully deposited their trademarks in the Trademark Clearing House that a domain name has been registered that exactly matches their trademark.

28.5 --PROMOTION OF WHOIS ACCURACY--
As set forth in the Registrant Agreement, Whois Privacy Policy and related agreements we will take significant steps to collect and maintain complete and accurate Whois information.

To ensure Whois accuracy, the Registration Agreement requires that a registrant provide us with (i) true, current, complete, accurate, and reliable registration information; and requires (ii) that the registrant will maintain, update, and keep their registrant information true, current, complete, accurate, and reliable by notifying their registrar of a change to any such information in a timely manner. The Registration Agreement makes clear that providing true, current, complete, and accurate contact information is an absolute condition of registration of a domain name. Registrants are required to acknowledge that a breach of these provisions will constitute a material breach of the Registration Agreement, and that if any registration information provided during registration or subsequent modification to that information is false, inaccurate, incomplete, or misleading, or conceals or omits pertinent information, we may in our sole discretion terminate, suspend or place on hold the domain name of any Registrant without notification and without refund to the Registrant.

Whois accuracy verification at the point of registration as well as over the life of a registration will be carried out by the ICANN-accredited registrars pursuant to the terms of ICANN policy as embodied in the RRA.

Registrants are required to provide the following information to an accredited registrar, who will then provide it to us: (i) Legally recognized first and last name of the contact person for the registrant (this contact person may be the registrant itself), and if the Registrant is an organization, association, corporation, Limited Liability Company, Proprietary Limited Company, or other legally recognized entity, we require that the contact person must be a person authorized under the applicable law in the applicable territory to legally bind the entity; (ii) valid postal address of the Registrant; (iii) working e-mail address of the Registrant, and (iv) working telephone number for the Registrant, including country code, area code, and proper extension, if applicable. Attempted registrations lacking any of these fields will be automatically rejected by the system.

The Registration Agreement provides that the registrant is responsible for keeping the registrant information up to date and responding in a timely fashion to communications from registrars regarding their registered domain names.

Validation of Whois information prior to registration has not met with success among top-level domains. Historically, in many country-code top-level domains, pre-validation has been abandoned due to depressed user adoption and criticism from end users and industry businesses, such as web hosting companies, ISPs, and domain name registrars. With few exceptions, major registries validate Whois information after the domain name is delegated, if at all. This reduces cost, which keeps prices down and allows for the near-instant registration of domain names by ordinary registrants.

We will not use pre-delegation validation of registrant data. The strong policies against abusive registrations, combined with the easy-to-use CRS and active enforcement response, will better balance the needs of consumers and law enforcement or other users of Whois information than pre-verification, and in addition will result in higher customer satisfaction.

We will discourage illegitimate or abusive registrations by pricing our domain names above the price of .COM or .BIZ, which we believe will discourage various forms of noxious behaviors, as cybercriminals typically register large numbers of domains for their schemes and will therefore face a larger cost of doing business if they attempt to use the registry for their schemes. We therefore propose to price domain names at a wholesale cost higher than existing gTLDs as a way to discourage malicious use of second-level domain names. With fewer illegitimate registrations, we expect that Whois accuracy will be higher.

28.6 --ADEQUATE CONTROLS TO ENSURE PROPER ACCESS TO DOMAIN FUNCTIONS--
The RRA provides that a registrar must ensure that access to registrant accounts are adequately protected, at a minimum, by secure log-in process that requires username and password authentication, and comport with other security related ICANN registrar accreditation requirements. Registrars must ensure that its connection to the Shared Registry System (SRS) is secure and that all data exchanged between registrar's system and the SRS is protected against unintended disclosure. Registrars are required to use multi-factor authentication and encryption methods for each EPP session with the SRS using both a server certificate identified by the Registry and the registrar password, which is disclosed only on a need to know basis.

To protect unauthorized transfers of domain names, the registry generates a Unique Domain Authentication ID, or UDAI (also known as an "authorization code" or "auth code"), and provides the UDAI only to the registrant, in a secure manner. A UDAI is a randomly generated unique identifier used to authenticate requests to transfer domain names from one registrar to another. A UDAI is generated when a domain name is registered. Registrars will be obliged to promptly support domain transfers from qualified registrants upon request and may not withhold them to prevent a domain name from being transferred, nor may they require burdensome manual steps (such as requiring a signature) as a condition of transferring a domain name to a new registrar.

Registrars will further be required to identify a duly authorized officer (or similar senior manager) to handle cases where a company or organization wants to make changes but where the original registration was performed by an individual working for the company in his or her own name. For example, a company might hire a web developer to design a web site, and ask the

developer to register a domain name, which they may do, but in his or her own name. The purpose of this policy is to prevent mistakes in the case of a transfer of ownership. The instructions on the change of registrant form must ensure (i) that the current authorized registrant is authorizing the changes; (ii) that the prospective registrant is identified and that all relevant contact information has been provided; (iii) that the prospective registrant acknowledges the changes and agrees to be bound by all of agreements and policies; (iv) that the process utilized by the registrar for the change of registrant process is clearly identified to registrants; and (v) that all documentation and correspondence relating to the transfer is retained. Registrars may request a statutory declaration where they have concerns about the authority to effect the change in registrant details if the registrars have concerns about the authority to effect a change in registration or any detail thereof and include an indemnity clause for any costs, losses, or liabilities incurred in the reasonable performance of their duties in processing the registrant's request, or in dealing with claims arising from the allocation or use of the name.

The Minds + Machines CA will be responsible for ensuring that the ICANN-accredited registrars are implementing security protocols to provide adequate controls regarding access to registrants' registration information. The RRA will provide that we may audit the registrant account access policies and procedures of the ICANN-accredited registrars to ensure their compliance with the policies. These audits will be carried out by the CA on a random basis or in response to a report or a complaint that a registrar is not complying with the account access policies. Failure to correct deficiencies identified in any audit may be considered a material breach of the RRA.

28.7 --ORPHAN GLUE RECORDS--
The registry policies and Shared Registration System (SRS) rules do not allow for orphan glue records in the zone. All glue records are automatically removed from the zone when the parent domain is deleted by the Espresso SRS. This automated registry software process prevents what are known as "fast-flux" phishing attacks.

28.8 --RESOURCE ALLOCATION--
The Abuse Prevention and Mitigation functions will be carried out by members of the Minds + Machines Technical and Legal staff. The CTO oversees the technical team in their development and implementation of, abuse prevention mechanisms such as black lists, removal of orphan glue records, automated warning emails, and creation and ongoing management of domain status fields such as "suspended" when a domain registration is under review for policy violation. The VP of Policy, the Director of Legal Affairs and the Compliance Administrator perform the duties of Abuse Point of Contact, complaint review, collaboration with law enforcement, and other legal duties necessary to conform to ICANN consensus policies, registry Acceptable Use Policies, and local laws.

Our registry functions are outsourced to Minds + Machines. Their staff resource allocation follows. All costs associated with the technical functioning of the registry are covered by Minds + Machines as per our contract with them. Please see the attachment to "Q 24 Staff" for complete descriptions of each staff position.

Title

CTO
VP Policy

Director Legal AffairS
Compliance Administrator
Registrar Cust Svc - Tech 1
Registrar Cust Svc - Tech 2
Espresso Application Developer
Espresso Application Developer 2
Espresso Application Developer 3
Database Developer
Database Developer 2
Information Security Officer
Database Administrator
Database Administrator 2

29. Rights Protection Mechanisms

--PROTECTION OF LEGAL RIGHTS: A CORE OBJECTIVE--
Ensuring the protection of the legal rights of others is a core objective. We believe that protecting third-party rights enhances the reputation of the registry and encourages registrants. We are therefore committed to the protection of legal rights and have developed a series of mechanisms, including but not limited to, those minimum requirements for rights protection mechanisms as detailed in Specification 7. These mechanisms are intended to prevent infringing or abusive registrations and to identify and address the abusive use of registered names on an ongoing basis and in a timely manner. As part of this commitment, we have developed and will maintain and implement a series of related policies and practices specifically designed to prevent infringing and abusive registrations and uses of domains that affect the legal rights of others. We will take reasonable steps to investigate and respond to any reports from law enforcement and governmental and quasi-governmental agencies of illegal conduct in connection with the use of the TLD.

--OVERVIEW--
As well as implementing all ICANN rights protection mechanisms (RPMs), we will introduce other additional RPMs that go beyond the current ICANN protections.

In order to do so, we have developed a detailed policy framework based on best practices from the ccTLD .NZ, from the Council of Country Code Administrators (CoCCA), and from existing gTLDs. This tapestry of policies provides rules and procedures regarding registrant eligibility; sets out which type of names can be registered and which cannot; defines abusive registration and usage and provides for penalties for non-compliance; describes and implements ICANN-mandated RPMs; and binds registrars and registrants to the major policies.

The major policies are the Naming Policy, which defines which names can be registered, and by whom; the Acceptable Use Policy, which describes permitted and non-permitted uses of registered names; the Whois and Privacy Policy, which helps registrants understand what we can and cannot do with their personal data; and the Complaint Resolution Services (CRS).

Registrants are bound to these four policies as a condition of registration through their contracts with their registrars, who are in turn compelled by us to get registrant consent to the policies as a condition of registration.

The Naming Policy first of all defines blocked and reserved names, which include geographical names at the second level, thereby adhering to ICANN rules and protecting the rights of governments. Secondly, it prohibits the registration of infringing names and specifically binds registrants to ICANN RPMs. It contains provisions beyond ICANN RPMs, such as prohibiting multiple attempts at blocked names, either through the same or by using different registrars. The Naming Policy further provides that we may sanction registrants who do not abide by its provisions by revoking names (with or without refund) and in appropriate cases informing law enforcement.

The Acceptable Use Policy (AUP) addresses abusive use of second-level domain names, prohibiting spam, phishing pharming, malware, illegal content and other abusive uses of second-level domain, including abusive registrations, particularly registrations that infringe the rights of third parties. Many best practices concerning infringing registrations that were developed in

among ccTLD world have in the gTLD world been superseded by Consensus Policies developed at ICANN. Where ICANN has procedures and policies, we follow them. Therefore, the AUP requires that registrants abide by the terms of the Uniform Domain Name Dispute Resolution Policy (UDRP), the Uniform Rapid Suspension service (URS), and the Trademark Claims Services (TCS). Another ICANN-mandated rights protection mechanisms (RPM), the Sunrise Period, will be implemented as described later in this response.

Above and beyond the ICANN-mandated RPMs, the AUP contains provisions that exceed ICANN policy minimums to provide a higher standard of protection for the legal rights of others. The AUP allows us to suspend or cancel names, or multiple names by the same registrant, if an egregious use or pattern of abusive or infringing use is engaged in by a registrant. In addition, the Complaint Resolution Service (CRS) provides means for Internet users to alert us to abusive or infringing registrations.

Additional prevention or mitigation of abusive or infringing registrations include rapid takedown procedures; cancelation or suspension of multiple domain names registered to the same flagrant abuser; higher prices to discourage mass registrants of abusive names; and protection of second-level geographic names.

We first describe the implementation of ICANN-mandated mechanisms, then follow that with a description of the additional policies we plan to implement to prevent registration abuse and rights infringement.

--SUNRISE--
The Sunrise Period is mandated by ICANN, as per Section 6.2 of the Trade Mark Clearinghouse module of the registry agreement. It is a process by which owners of legal rights have the opportunity to register domain names before the process opens to the public or others. Specifically, rights holders may use the Sunrise Service to assert a priority right to register a second-level domain which matches their eligible word mark, as defined in paragraph 7.2 of the Trade Mark Clearinghouse module of the registry agreement. An identical match (as defined in paragraph 6.1.5 of the Trade Mark Clearinghouse module of the registry agreement) is required between the eligible word registered in the Trademark Clearing House (“TCH”) and the domain applied for as a condition of participation in the Sunrise Period. All Sunrise applications will be validated by a third-party verification agent through the ICANN-mandated TCH to check the eligibility of the legal right claimed.

We will offer the Sunrise period for a minimum of 30 days during the pre-launch phase, and according to the terms of the Sunrise Policy. Applications received within that period are treated as filed at the same time. Where there is a contest between valid claimants, allocation will be determined by auction.

The Sunrise policy will provide for a Sunrise Dispute Resolution policy, which will allow a challenge under the four grounds required in paragraph 6.2.4 of the Trade Mark Clearinghouse module of the registry agreement. Other grounds may be added as experience reveals their advantages.

Policy oversight of the Sunrise Service will be provided by the Minds + Machines Vice-President of Policy, Peter Dengate Thrush. Peter is an intellectual property barrister experienced in intellectual property cases, especially involving domain names. He was involved in ICANN’s Working Group A which developed the UDRP, and with the New Zealand Working Group which developed the Dispute Resolution Process for .NZ. Operational oversight of

the Sunrise Period will be provided by Minds + Machines' CEO, Antony Van Couvering. Antony is a veteran of several Sunrise periods as the head of a registrar (NameEngine) specializing in providing services to large brands and other holders of trademarks. We will provide all necessary infrastructure and sufficient resources to support the Sunrise Period.

--TRADEMARK CLAIMS SERVICE--
We will provide a TCS during an initial launch period for eligible marks as defined in para 7.1 of the Trade Mark Clearinghouse module of the registry agreement. This launch period will last at least the first 60 days of general registration, and will be operated according to the terms of Trademark Claims Policy.

The TCS allows a trademark owner to register a claim asserting trademark rights by putting potential registrants on notice of its possible legal claim of the domain name being considered for registration. We will provide notice in the approved format to all prospective registrants of domains that match trademarks in the TCH that their registration may infringe a trademark right. The mandatory form requires a prospective registrant to specifically warrant that: (i) the prospective registrant has received notification that the mark(s) is included in the TCH; (ii) the prospective registrant has received and understood the notice; and (iii) to the best of the prospective registrant's knowledge, the registration and use of the requested domain name will not infringe on the rights that are the subject of the notice.

Additionally, the Trademark Claims Notice will provide the prospective registrant with access to the Trademark Clearinghouse Database information referenced in the Trademark Claims Notice to enhance understanding of the trademark rights being claimed by the trademark holder. These links (or other sources) will be provided in real time without cost to the prospective registrant. The Trademark Claims Notice will be provided in the language used for the rest of the interaction with the registrar or registry, and will be provided in the most appropriate UN-sponsored language as specified by the prospective registrant or registrar⁄registry.

Oversight of TCS will also rest with the Vice President of Policy (VPP). We will provide the necessary infrastructure and sufficient resources to support the VPP in this role, including adequate computers, connectivity, telephones including cell phones and administrative support.

Responsibility for implementing the customer-facing (registrar) aspects of the Trademark Sunrise Service and TCS will rest with the Registrar Liaison as part of their on-going responsibilities. Responsibility for the technical implementation of the Trademark Sunrise and TCS will rest with the Registry under the contract to provide registry services. Minds + Machines' CTO, network engineer, and systems engineer will maintain the functionality of the automated Trademark Clearinghouse system. No additional resourcing is required to support these functions, as they are part of the base level requirements for the Registrar Liaison and the CTO. We will pay fees to the TCH for Sunrise and TCS services. At the present time no fees details are available, but we assume that the higher fees we propose to charge Sunrise applicants during the 60-day TCS period will be sufficient to cover the fees likely to be charged by the TCH.

--PHISHING AND PHARMING--
Phishing and pharming are a kind of rights infringement in which the malefactor pretends to be a trusted source by using another's trademark, brand look-and-feel, or other protected property in order to lure Internet

users to perform some action that benefits the perpetrator. These practices are prohibited by the AUP and will result in cancelation of any second-level domain name involved, and possibly in cancelation of additional names registered to the abuser.

--POST DELEGATION DISPUTE RESOLUTION POLICY--
In the Registry Agreement with ICANN, we will agree to participate in all post-delegation procedures and to be bound by the resulting determinations. Because we are fully committed to combatting abusive use and abusive registration of second-level registrations, we do not expect to have occasion to be involved in any proceedings stemming from ICANN's Post Delegation Dispute Resolution Policy (PDDRP), which deals with registries who knowingly engage in trademark infringement or abet those who do. We will comply with all Consensus Policies adopted by ICANN, including the PDDRP.

--ADDITIONAL ANTI-ABUSE POLICES--
We will be implementing RPMs and anti-abuse measures that go beyond the UDRP, URS, Sunrise, TCS and other ICANN-mandated mechanisms and procedures. These additional measures are detailed below.

--COMPLAINT RESOLUTION SERVICE--
The Complaint Resolution Service (CRS) is an alternative to litigation for resolution of complaints between the registrant of a domain name and a complainant who alleges a registrant or a domain name is in violation of the AUP. The CRS provides a transparent, efficient, and cost effective way for the public, law enforcement agencies, regulatory bodies, and intellectual property owners to address concerns regarding abuse on the system.

The CRS provides a reliable and simple way for the public to inform us if they think there is a problem. Submissions of suspected infringement or abuse are monitored by Registrar Customer Service personnel and escalated according to severity. Upon escalation, we may take immediate action to protect registry system or the public interest or refer the matter to law enforcement if we suspect criminal activity. In the case of a non-critical complaint, the CRS also provides an amicable complaint resolution and adjudication service conducted by an Ombudsperson hired by Minds + Machines. The CRS is a service intended to supplement parties' existing legal rights to resolve a dispute in a court of law. Any proceeding brought under the CRS will be suspended upon any pleading to a court, decision-making body, or tribunal, and only re-started if directed to do so by one of those bodies.

The Ombudsperson is a neutral third-party specialist with respect to conflict resolution who will provide informal arms-length mediation and adjudication of any complaints of alleged registrant abuses and violations of the AUP. The Ombudsperson shall have the power to direct that a domain name should be cancelled, suspended, transferred, modified or otherwise amended.

If the Ombudsperson takes a decision that a domain name registration should be cancelled, suspended, transferred, modified, or otherwise amended, the Ombudsperson will implement that decision by requesting the Registry to make the necessary changes to the Register. The CRS provides for a right of appeal by registrants if they believe the AUP has been enforced in error.
We will comply with the decisions of the Ombudsperson and the Appeal Panel under the direction of the VPP.

--PROVISIONS OF THE ACCEPTABLE USE POLICY--
The AUP defines a set of unacceptable behaviors by domain name registrants in relation to the use of their domain names. It is incorporated by reference

into the Registrant Agreement. It defines the acceptable use of second-level domains, and is designed to ensure that the registry is used for appropriate and legal purposes.

The AUP specifically bans, among other practices, the use of a domain name for abusive or illegal activities, including:

(i) illegal, fraudulent, misleading, or deceptive actions or behavior;
(ii) spamming (the use of electronic messaging systems to send unsolicited bulk messages, including email spam, instant messaging spam, mobile messaging spam, the spamming of Web sites and Internet forums, and use of email in a Distributed Denial of Service (DDoS) attack);
(iii) phishing (the use of counterfeit Web pages that are designed to trick recipients into divulging sensitive data such as usernames, passwords, or financial data);
(iv) pharming (the redirecting of unknowing users to fraudulent sites or services, typically through DNS hijacking or poisoning);
(v) willful distribution of malware (the dissemination of software designed to infiltrate or damage a computer system without the owner's consent--e.g. computer viruses, worms, keyloggers and Trojan horses);
(vi) fast-flux hosting (use of fast-flux techniques to disguise the location of Web sites or other Internet services, or to avoid detection and mitigation efforts, or to host illegal activities);
(vii) botnet command and control (services run on a domain name that are used to control a collection of compromised computers or "zombies," or to direct DDoS attacks);
(viii) distribution of obscene material, including but not limited to child pornography, bestiality, excessive violence;
(ix) illegal or unauthorized access to computer networks or data (illegally accessing computers, accounts, or networks belonging to another party, or attempting to penetrate security measures of another party's system, often referred to as "hacking," or any activity that may be used as a precursor to an attempted system penetration, such as port scanning, stealth scanning, probing, surveillance or other information gathering activity);
(x) deceptive or confusing uses of the domain or any content provided thereon with respect to any third party's rights;
(xi) disrupting the registry network or the provision of any content capable of disruption of computer or systems or data networks;
(xii) providing circumvention technologies, technical information or other data that violates export control laws;
(xiii) spoofing (forging email network headers or other identifying information); and
(xiv) distribution of any other illegal or offensive material including hate speech, harassment, defamation, abusive or threatening content, or any other illegal material that violates the legal rights of others including but not limited to rights of privacy or intellectual property protections.

--MALWARE--
The AUP prohibits the use of the second-level domains to spread or install malware. Malware is software that is installed without the knowledge of the end user, or without the full understanding by the user of the software's effects, which are often deleterious or dangerous. It should be noted that malware cannot be spread by the registration of a domain name. Where applicable, we will adhere to and implement the recommendations of NIST SP 800-83, "Guide to Malware Incident Prevention and Handling." We have documented polices, processes, and procedures to mitigate operating system and application vulnerabilities that malware might exploit, as explained in further detail in our answers to Question 30: Security and Question 32:

Architecture. We will implement a malware awareness program that includes guidance to users on malware incident prevention, detection and how to report suspect infections.

As recommended in NIST Special Publication 800-61, “Computer Security Incident Handling Guide,” we have instituted a robust incident response process to address malware, which has four main phases: preparation, detection and analysis, containment⁄eradication⁄recovery, and post-incident activity. In order to be prepared, we will implement malware-specific incident handling policies and procedures. As part of our detection objective, we will review malware incident data from primary sources and monitor malware advisories and alerts to identify likely impending malware incidents. We understand that we can play a critical role in the containment and eradication process of malware, and we will develop strategies and implement procedures, reflecting the appropriate level of risk, to contain and mitigate malware threats. The policies will clearly define who has the authority to make major containment decisions and under what circumstances various actions are appropriate. We reserve the right in contracts, and will not hesitate to use that right, to shut down or block services, such as email, that are used as vectors by malware producers. We also reserve the right and are prepared to place additional temporary restrictions on network connectivity to contain a malware incident, such as suspending Internet access or physically disconnecting systems from network, even while we recognize the impact such restrictions might have on organizational functions. Our strategy for the recovery phase from malware incidents is to restore the functionality and data of infected systems and to lift temporary containment measures. Our strategy for handling malware incidents in the final phase includes conducting a robust assessment of lessons learned after major malware incidents to prevent similar incidents from occurring in the future.

Additionally, we will work with the Anti-Phishing Working Group and other industry leaders, including ICANN working groups on phishing and pharming, to ensure that our practices allow parties to act quickly when a registrant is in violation of the policies. Finally, we reserve the right to immediately terminate any activity deemed, in our sole judgment, to be abusive, in violation of the AUP or related policies, or against the public interest.

--RAPID TAKE-DOWN PROCEDURES--
The AUP and related policies provide for a rapid take-down of abusive domains that are in violation of the policies, including mass domain shutdowns to act against DDoS, phishing abuse, and Botnet exploitation of domain names. Experience has shown that aggressive policy enforcement, combined with user-accessible complaint procedures to shut down obviously abusive names discourages malefactors, who have the option of registering in more loosely administered TLDs, such as .COM or .INFO.

--PROTECTION OF GEOGRAPHIC NAMES--
We will enact measures for the protection of country and territory names. The geographical names contained in the lists described in Specification 5 of the registry agreement will be added to the registry software system “prohibited word” function. Any attempt to register a domain containing those geographical names will be automatically denied, as they were similarly blocked in the .INFO TLD. See our answer to Question 22: Protection of Geographic Names for a more complete description of polices to protect geographic names.

--COMMUNITY FLAGGING--

We will use the common practice of community flagging of abusive uses of domains in order to rapidly detect a possible abuse so that a rapid response may be provided, including a rapid take-down of an abusive domain. Community members can easily flag a domain name as potentially abusive by filing notice through the Complaint Resolution Service. The CRS provides a “community flagging” mechanism that allows Internet users to report suspected violations and has proven to be an effective and speedy policy to prevent unwanted behavior. Internet web sites such as Craigslist, OK Cupid and many others use community flagging as their primary means of combating illegal and abusive behavior, and we will implement it in the registry.

--SUSPENDING MULTIPLE DOMAINS FOR FLAGRANT ABUSE--
The Registry reserves the right to suspend all domain names registered to or associated with any user for flagrant or repetitive abuse of any domain name as a means of preventing and curtailing abuse of the systems.

--TRANSFER FEES TO MITIGATE ABUSE--
To create a deterrent to abuse in the registry, we will charge registrants with a processing fee for transferring domains to another registrar or registrant. The transfer processing fee assessed will not be high, but will act as a deterrent by those who register multiple domain names for their schemes.

--QUALIFICATION OF REGISTRANTS--
We will have no general eligibility requirements for registration as pre-qualification of registrations is not applicable to our business model. Validation of Whois information prior to registration has been met with widespread user non-adoption among top-level domains historically. In country-code top-level domains such as .FR (France), .ES (Spain), .PT (Portugal), and .SE (Sweden), pre-validation has been abandoned due to depressed user adoption and criticism from end users and industry businesses, such as web hosting companies, ISPs, and domain name registrars. With few exceptions, major registries validate Whois information after the domain name is delegated, if at all. This reduces cost, which keeps prices down and allows for the near-instant registration of domain names by ordinary registrants.

We will not use pre-delegation validation of registrant data. Our strong policies against abusive registrations, combined with the easy-to-use CRS and active enforcement response, will better balance the needs of consumers and law enforcement or other users of Whois information than pre-verification, and in addition will result in higher customer satisfaction.

We will discourage illegitimate or abusive registrations by pricing our domain names above the price of .COM or .BIZ, which we believe will discourage various forms of noxious behaviors, as cybercriminals typically register large numbers of domains for their schemes and will therefore face a larger cost of doing business if they attempt to use the registry for their schemes. We therefore will price domain names at a wholesale cost higher than existing gTLDs as a way to discourage malicious use of second-level domain names. With fewer illegitimate registrations, we expect that Whois accuracy will be higher.

--IMPLEMENTATION OF POLICY--
The Vice-President of Policy will oversee the management and maintenance of all policies and coordinate their implementation with Minds + Machines’ CTO and other technical staff and any third-party service provider partners. The VP of Policy will also be responsible for assuring that the policies are

complied with by both registrars and registrants. We are committed to providing sufficient resources to ensure full functioning and effective implementation of these policies, as described below.

We will implement all decisions rendered under the URS and UDRP and courts of law in an ongoing and timely manner. We have designated the Vice-President of Policy as the URS Point of Contact (URSPOC) for proceedings brought under the URS against registrations in the Registry. The URSPOC will monitor the receipt of emails from URS providers informing that a URS complaint has passed Administrative Review, and will, on receipt of such an email, immediately arrange to lock the relevant domain name. Resolution services shall not be affected. The USPOC will also monitor emails from URS providers for determinations in URS cases, and will act on them according to their terms. In those cases where the complainant has succeeded in the URS complaint, the domain name status will be moved from “locked” to “suspended”, and will not longer resolve. Where a complainant has been unsuccessful, the domain name will be unlocked, with full control being restored to the registrant. If an appeal is filed, the URSPOC will monitor emails for any change of status resulting from such appeals. The software will designate the status of names during URS proceedings and provide for monitoring to ensure deadlines are met. In order to be able to monitor emails or phone calls and respond quickly, the VPP will be aided by one or more of the Registrar Customer Service representatives.

In the event that the rate of complaints is too high for existing personnel to handle, we will work to automate what can be automated, and hire additional staff as necessary. If a high percentage of complaints are nuisance complaints, or harassing complaints, we may institute a small fee for the Complaint Resolution service in order to prevent capricious use of the service.

Responsibility for maintaining and implementing technical protection mechanisms via the Registry software and hardware rests with the CTO. The CTO will be aided by developers, architect, and technicians in the NOC.

--RIGHTS PROTECTION MECHANISMS--
The Vice-President of Policy will oversee the management and maintenance of all the policies and coordinate their implementation with Minds + Machines’ CTO and other technical staff and any third-party service provider partners. The VP of Policy, in co-ordination with the Compliance Administrator, will also be responsible for assuring that the policies are complied with by both registrars and registrants. We are committed to providing sufficient resources to ensure full functioning and effective implementation of these policies, as described below.

In the event that the rate of complaints is too high for existing personnel to handle, we will work to automate what can be automated, and hire additional staff as necessary. If a high percentage of complaints are nuisance complaints, or harassing complaints, we may institute a small fee for the Complaint Resolution service in order to prevent capricious use of the service.

Responsibility for maintaining and implementing technical protection mechanisms via the Registry software and hardware rests with Minds + Machines’ CTO, who has worked extensively with enforcing Rights Protections in registries through software applications. The CTO will direct the technical team as necessary. The technical team will implement the trademark clearinghouse and sunrise services at the application level, including

connecting to the TMCH, and managing the API for sunrise auction tools.

Our registry functions are outsourced to Minds + Machines. Their staff resource allocation follows. All costs associated with the technical functioning of the registry are covered by Minds + Machines as per our contract with them. Please see the attachment to “Q 24 Staff” for complete descriptions of each staff position.

Title
CTO
VP Policy
Compliance Administrator
Registrar CS Tech 1
Registrar CS Tech 2
Espresso Application Dev
Espresso Application Dev 2
Espresso Application Dev 3
Database Developer
Database Developer 2

Annex 3:
TLDH's Public Interest Commitments ("PICs")

gTLD String: gay
Applicant Entity Name: Top Level Domain Holdings Limited
Application ID#: 1-1039-47682

SPECIFICATION 11
PUBLIC INTEREST COMMITMENTS

1. Registry Operator will use only ICANN accredited registrars that are party to the Registrar Accreditation Agreement approved by the ICANN Board of Directors on [date to be determined at time of contracting], 2013(or any subsequent form of Registrar Accreditation Agreement approved by the ICANN Board of Directors) in registering domain names. A list of such registrars shall be maintained by ICANN on ICANN's website.

2. ☐ Registry Operator will operate the registry for the TLD in compliance with all commitments, statements of intent and business plans stated in the following sections of Registry Operator's application to ICANN for the TLD, which commitments, statements of intent and business plans are hereby incorporated by reference into this Agreement. Registry Operator's obligations pursuant to this paragraph shall be enforceable by ICANN and through the Public Interest Commitment Dispute Resolution Process established by ICANN ((posted at [url to be inserted when final procedure is adopted]), as it may be amended by ICANN from time to time, the "PICDRP"). Registry Operator shall comply with the PICDRP. Registry Operator agrees to implement and adhere to any remedies ICANN imposes (which may include any reasonable remedy, including for the avoidance of doubt, the termination of the Registry Agreement pursuant to Section 4.3(e) of the Registry Agreement) following a determination by any PICDRP panel and to be bound by any such determination.

[Registry Operator to insert specific application sections here, if applicable]

3. ☑ Registry Operator agrees to perform following specific public interest commitments, which commitments shall be enforceable by ICANN and through the PICDRP. Registry Operator shall comply with the PICDRP. Registry Operator agrees to implement and adhere to any remedies ICANN imposes (which may include any reasonable remedy, including for the avoidance of doubt, the termination of the Registry Agreement pursuant to Section 4.3(e) of the Registry Agreement) following a determination by any PICDRP panel and to be bound by any such determination.

Preamble

We agree with the Government Advisory Committee (GAC) that some representations made in new gTLD applications should be binding. We believe that this step will increase consumer confidence in the new gTLD program, and it will enable the various compliance functions built into the new gTLD program to more easily correct behavior that is inconsistent with the stated purpose of the application. We therefore support the main thrust of the Public Interest Commitment (PIC) initiative.

While we agree with the aims of the PIC requirement, we note that it is of recent vintage and that our application was not written in a manner upon which we could make contractual PIC commitments. We also note that many elements of the PIC program remain undefined, and we are unsure how the different policy initiatives surrounding the program, including a formal Policy Development Process (PDP), may affect the final form of the program and the compliance regime.

Therefore, we offer here a set of commitments that are a distillation of what we believe are the important and relevant portions of our application, worded as commitments to which we can be held. We believe that they are responsive to what we understand to be the concerns behind the PIC program and they bind us in a real and substantive way to behave responsibly and in the interest of the global Internet. Our commitments are meant to provide protection to consumers and other affected parties, and are worded in

a way that provides sufficient flexibility in their implementation to be effective in a wide variety of possible final versions of the PIC program.

We are committed to responsible self-governance and look forward to finalizing the PIC program into a safeguard that encourages consumer choice and competition and assures the security and stability of the Internet.

Commitments

With reference to the Government Advisory Committee Toronto Communiqué (October 17, 2012); the United States Government (USG) Input to Early Warning Processes for New Generic Top-Level Domain Names (gTLDs) Via the Governmental Advisory Committee; and the letter from Lawrence Strickling of the U.S. Department of Commerce to Dr. Stephen Crocker, Chair of the Board of Directors of ICANN, dated February 26, 2013, we offer the following commitments:

We will implement and operate a robust abuse mitigation process to minimize abusive registrations that have a negative impact on Internet users and rights holders. We commit to establish and promulgate an Acceptable Use Policy (AUP) for registrants, which will feature enforceable processes designed to ensure that registered domain names will be used only for legitimate activities. Our AUP will include but is not limited to the following commitments we agree to be bound by within the confines of applicable laws:

- To publish and make readily available to the public policies and procedures that cover domain name acceptable use, naming standards, and which define malicious or abusive behavior. Abusive behavior includes, but is not limited to, using domain names for spam, phishing, pharming, and illegal activity, as well as cybersquatting or other behavior that infringes the rights of others;

- To make these policies and procedures binding upon registrants by requiring registrars to get registrant agreement to our AUP as a condition of registration during the sign-up process;

- To provide an easily accessible flagging process that allows members of the public, law enforcement, and other government entities to quickly and easily call attention to possible cases of non-compliance with these policies or to report abuse;

- To provide a single point of contact, available to law enforcement and other authorized government entities, responsible for addressing reports of abuse, non-compliance and other matters requiring expedited attention;

- To constructively work with law enforcement to address reported cases of abuse;

- To timely review, resolve, and respond to reported cases of abuse, including implementation of procedures that allow us, within the confines of applicable laws and in cases where domain registrations are determined to have been used abusively, to:

    - Suspend or delete abusive domain names;

    - Block registrants of abusive domain names from further registrations; and/or

    - Suspend or delete all names associated with a registrant.

- To prevent registration of exact matches of geographic names at the second level as defined by the Applicant Guidebook of January 12, 2012, except by authorized representatives of the governmental authority of the territory in question;

- To prevent registration of exact matches of IGO names at the second level, according to the list to be provided by the GAC as per the GAC Toronto Communiqué of 17 October 2012, except by authorized representatives of the IGO in question;

- To institute a 60-day Trademark Sunrise using the Trademark Clearinghouse process;

- To develop a dispute-resolution procedure that supplements ICANN-mandated processes, including access to alternative resolution processes; and

- To implement security policies and procedures commensurate with the security profile of the TLD.

Annex 5-D

10-14-13 Canadian Gay Chamber Merriam letter: ILGA member

Sent from my BlackBerry 10 smartphone on the Rogers network.
> From: Canadian Gay Chamber
> Sent: Monday, October 14, 2013 11:43 AM
> To: Contact Information Redacted
> Reply To: Contact Information Redacted
> Subject: Canadian Gay Chamber Contact Form
>
> Name: Andrew Merriam
> E-Mail: Contact Information Redacted
> Phone: Contact Information Redacted
> Website E-Mail Message
> Mr. McDonald & The CGLCC I'm writing to you concerning a letter sent
> by
yourself in March 2011 indicating The NGLCC's support of the .gay top level domain [TLD). The issue at hand is the assignment of the ".gay" top-level domain, which will function much like other current TLDs, such as .com, .net and .org . Your original letter can be found here:
http://dotgay.com/endorsements/lgbt-business There have been a number of developments related to the delegation of the .gay TLD since your letter was submitted. You were originally contacted by a particular applicant for .gay, a company called dotgay LLC, there are another 3 organizations that have applied; I represent one of those. I note that you do not specifically mention dotgay LLC or supporting them in your letter, but I would like to raise a few developments related to .gay. For example, dotgay LLC's application has now been published, and is the only application that proposes to limit both content and access, in a way that will censor and restrict the diverse LGBT community. Perhaps most important, however, is the fact that dotgay LLC, along with its partner ILGA, have officially objected to a completely separate application for ".lgbt." This means that they are intent on removing an important choice that the LGBT community should have.
We view this as a confirmation of the closed and self-serving model for .gay that would result from their management of the TLD. I would love to talk to you more about .gay, including our own application - and I hope that you would consider clarifying your letter of support that is being used by dotgay LLC's to further its restrictive plans for .gay and tied to their antagonistic approach to the community evidenced in their objection to .lgbt. Sincerely, Andrew Merriam
>

Annex 5-E

From: Joe MyGod Contact Information Redacted
Sent: Friday, October 04, 2013 11:48 AM
To: Scott Seitz
Subject: Fwd: .gay TLD applicant objects to .lgbt

Here's the earlier email from the same guy. It's a lot longer...

---------- Forwarded message ----------
From: **Andrew P Merriam** Contact Information Redacted
Date: Tue, Sep 17, 2013 at 2:02 PM
Subject: .gay TLD applicant objects to .lgbt
To: Contact Information Redacted

Mr. Jarvis,

I have been referred to you as a leader and activist in the gay community, and I'm hoping that by educating you on what is happening you may find greater cause to raise awareness around this issue. I'm writing to you about a very serious and time sensitive matter; the TLD, ".gay", could be awarded to an organization that claims the term "gay" is the best, and most culturally sensitive and inclusive way to refer to the whole of the LGBT community, even more so than the acronym itself.

To step back, a TLD is the suffix at the end of a web address, so ".com", ".org", ".net" are all existing TLDs. The organization that controls the naming and numbering system for the Internet, ICANN, recently opened up a new TLD application process, 7 years in the making, and received over 1,900 applications. This will likely result in about 700 new generic extensions that you will begin to see and use over the course of the coming year; ".gay" is guaranteed to be one of them.

To be clear, we are one of 4 applicants for .gay; and all 4 applicants, including the applicant referenced above, dotgay LLC, are for profit entities. However, dotgay LLC has claimed that it represents the whole of the LGBTQ+ community, and that the community has settled upon "gay" as the most representative and appropriate identifier. They have applied as a community, an official ICANN designation that involves special procedures, and should ICANN find that they do in fact represent the gay/LGBTQ+ community, they will be delegated the TLD without consideration of other applicants, which do not propose to restrict access to the TLD and control content or impose their umbrella terms as dotgay LLC does.

dotgay LLC has the support of ILGA and the HRC, and they have gone so far, with the backing of ILGA, to object to an unrelated application for ".lgbt". This means that they have spent upwards of $50,000 on an official ICANN objection process to prevent the delegation of ".lgbt". While the text of the objection is private, we can only surmise from their similar objection to our own .gay application, and their public statements, that they believe "gay" is "good enough" and the preferred umbrella term both in and outside of community. We are completely against this marginalizing consolidation of the LGBTQ+ community under ".gay", and we welcome competition from .lgbt as it allows for

consumer choice; as potential stewards of .gay, we would be open to any future LGBTQ+ oriented TLDs.

We are deeply troubled by dotgay LLC's tactics aimed at becoming the gatekeeper for .gay and stifling the diversity of the LGTBQ+ community. Once .gay is delegated it will not change hands, as contract renewals are presumptive, and they would be in a position to block a possible ".lesbian", ".trans" or any other LGBTQ+ community term from delegating in future TLD expansion rounds, just as they have attempted to block .lgbt.

The only trans* specific organization that has issued support to dotgay LLC is an organization from Poland, Trans-Fuzja Poland. In their application, dotgay LLC claims that they have been working with the "largest and most visible" LGBTQ+ organizations "in all segments of the community" since 2009.

We feel that this issue hasn't been adequately discussed in community and are wondering if you have been reached out to or were aware of the forthcoming .gay? We want to have an open conversation about the differing visions of .gay, and how the LGBTQ+ community can be represented at the Internet's top-level. I would love to talk to you as soon as you are able about the ICANN process, what our application for .gay means, and the further problems with dotgay LLC's business model, which include systematic disenfranchisement and significant restrictions on content and access. They are clearly trying to game the ICANN process by fabricating LGTBQ+ cohesion around the term "gay", and we are afraid that widespread misunderstanding of these issues could see them prevailing.

Please feel free to call me at any time or please let me know of a time we can schedule a phone call. Their community status will be decided by ICANN in mid-October, so there is no time to lose. However, there is an open public comment forum where organizations and individuals in the LGBTQ+ community that do not feel that gay should be the only LGBTQ+ related TLD can still make their voices heard.

Thanks so much for taking time to review this matter; I look forward to talking with you. Also, I have included some external links below to make any further research easier.

Best Regards,

Andrew Merriam

- ICANN's homepage
- Our application for .gay (note link to pdf download)
- dotgay LLC's application for .gay
- dotgay LLC homepage
- Proof of ILGA objection to .lgbt (included among pdf, "List of Pending Cases," pg 14)
- ICANN Public Comment Forum Landing Page

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Andrew Merriam
Business Development Coordinator
Top Level Design, LLC
Contact Information Redacted

@AndMerriam
skype:Contact Information Redacted

--

Joe Jervis
Joe.My.God.
www.JoeMyGod.com

Annex 5-F

From: Angela Giampolo Contact Information Redacted
Sent: Thursday, November 21, 2013 3:30 PM
To: Scott Seitz
Subject: From your friend Merrriam

Hello again,

I wanted to provide you with an update, the ILGA recently lost its formal objections against dotgay LLC's three competitors for .gay, ourselves included, and also its formal objection against the .lgbt TLD. This means that the .lgbt TLD will be allowed to reach the Internet, and that it be widely available and not restricted.

The fundamental difference between ourselves and dotgay LLC is that we do not believe that any person should have to "authenticate" their gender and/or sexual identity to purchase a product. Furthermore, dotgay LLC's plan to censor "objectionable" content will not serve the dynamic opinions and debate that happen across the LGBTQ+ spectrum.

Below, I've included some links to some further information on the process and our position. I would certainly welcome the opportunity to talk to you regarding the benefit of our model, which promises an accessible and uncensored .gay TLD.

Sincerely Yours,

Andrew Merriam

- Our position as explained on the Bilerico Project
- Our evaluation of a ".gay" TLD as an "ICANN community"

Angela D. Giampolo, Esquire
BUSINESS | REAL ESTATE | CIVIL RIGHTS | LGBT LAW
O: 215.645.2415 C: Contact Information Redacted F: 215.220.2272
e: Contact Information Redacted | w: www.giampololaw.com
Philadelphia Address:
319 S. 12th Street, Ste 1F
Philadelphia, PA 19107
Mount Laurel NJ Address:
100 Century Pkwy., Ste. 305
Mount Laurel, NJ 08054

Annex 5-G

Scott Seitz

From: Scott Seitz
Sent: Friday, February 28, 2014 7:50 AM
To: Jamie Baxter
Subject: FW: EXP/426/ICANN/43, GOProud, Inc. vs. dotgay LLC

From: Scott Seitz
Sent: Monday, August 05, 2013 6:03 PM
To: 'Christopher R. Barron'; expertise@iccwbo.org
Cc: Contact Information Redacted ; christine.willett@icann.org; chris.lahatte@icann.org; Contact Information Redacted ; steve.crocker@icann.org
Subject: RE: EXP/426/ICANN/43, GOProud, Inc. vs. dotgay LLC

Dear Hannah,

We appreciate the invitation to comment on this procedural matter between the ICC and GOProud (filed by Mr. Barron). Although the matter remains unresolved, dotgay LCC is in no way responsible for Mr. Barron being dismissed from the objection proceedings, nor have we found it appropriate to comment on an issue that we are not a direct party to. Because the result of ICC's ruling will directly affect dotgay LLC, and because we have been asked to comment, we would at this time like to add some additional facts into the record and then address some additional procedural concerns.

Additional facts:

1. Upon learning of the objection filed by Mr. Barron (on behalf of GOProud), dotgay LLC made an immediate outreach to Mr. Barron in an attempt to resolve concerns addressed in their filing. An email sent directly to Mr. Barron was accompanied by a certified return-receipt letter with the US Postal Service (proof available upon request), and followed up with an additional email within a week's time. None of these attempts to contact Mr. Barron before his objection was dismissed received any response.
2. When dotgay LLC was informed by the ICANN ombudsman that Mr. Barron was seeking his assistance to have the ICC dismissal reconsidered, dotgay LLC once again offered an opportunity to discuss and resolve Mr. Barron's concerns despite it being dismissed by the ICC. dotgay LLC then received our first and only communication from Mr. Barron surrounding our offer, who made it very clear to us and the ICANN ombudsman in an email communication that he would not engage in a dialogue until his objection was reinstated. We understood this to mean that Mr. Barron was more focused on having his objection positioned inside the ICANN's formal objection framework than he was having it resolved.
3. Mr. Barron has made mention in his email communication of July 29, 2013 that the International Gay & Lesbian Travel Association (IGLTA) received an extension from the ICC to pay for objection deposits for expert fees. It should be clarified that it was the International Lesbian Gay Bisexual Trans and Intersex Association (ILGA) that received the extensions since they are the objecting party.
4. It is true that ILGA requested and received a deposit payment extension from the ICC, based on the higher than expected prices that they were subjected to. Our understanding however is that they made their request well before the deposit deadline and also received an approval from the ICC before the original deadline, a completely different scenario than Mr. Barron's.

Additional procedural concerns:

1. Since the two objections that were originally filed against dotgay LLC by GOProud and their affiliate organization Metroplex Republicans of Dallas were in fact almost identical, down to the exact wording at times, dotgay LLC would like to better understand how the ICC would address the objection consolidation issue given that the ICC has already moved one of the objections into the evaluation phase. dotgay LLC strongly believes that we should not be burdened in

any way by any decisions that could be made on GOProud's appeal, because the opportunity to consolidate objections was missed.

2. Mr. Barron has made mention of the payment extensions received by ILGA in his communications as well as responses from applicants who wanted the ICC to deny ILGA's extension requests, however it is our understanding that this information is private between the objectors and applicants. We question how Mr. Barron obtained that information since ILGA has confirmed to us they have never spoken to Mr. Barron and the ICC has not made that information public.
3. Given that Mr. Barron appears to have confidential information about other ICC proceedings that he has not been a party to, dotgay LLC believes that it would be in the best interest of these proceedings for Mr. Barron to divulge how he learned of any information surrounding objection proceedings between ILGA and the other applicants for .gay and .lgbt. It is already known by the ICC and ICANN, based on declarations made by ILGA, that dotgay LLC has maintained a close and transparent relationship with ILGA throughout the new gTLD program. Given that dotgay LLC is a Community applicant, which inherently requires community interaction and support, ILGA's relationship with dotgay LLC should not be open for criticism or used to dilute attention from the procedural matter at hand.
4. Given that Mr. Barron is no longer in his prior leadership role of Senior Strategist at the GOProud organization, dotgay LLC would appreciate if the ICC could confirm with the new leadership of GOProud that the objection filed by Mr. Barron (on behalf of GOProud) in March 2013 continue to be representative of the organizations current position*. We seek clarity simply to ensure that any statements made by Mr. Barron in his original objection filing remain concerns of GOProud, the organization being utilized to fulfill community status in the community objection proceeding. The new leaders of GOProud, effective just last month (July 2013), include the individuals listed below. A written confirmation from the new leadership at GOProud would satisfy dotgay LLC's concerns.

   * http://www.buzzfeed.com/chrisgeidner/goproud-leaders-stepping-aside-for-someone-else-to-come-in-a

   i. Matthew Bechstein – Director of Development and Administration
   ii. Shane E. Farmer – Director of Operations and Outreach
   iii. Ross L. Hemminger – Director of Media and Membership

dotgay LLC would once again like to thank the ICC for this opportunity to comment on the procedural matter between the ICC and GOProud (filed by Mr. Barron). Please do not hesitate to let us know if there is any further information you may need at this time.

Best regards,
Scott Seitz
dotgay LLC

From: Christopher R. Barron [Contact Information Redacted]
Sent: Monday, July 29, 2013 11:28 AM
To: expertise@iccwbo.org
Cc: Contact Information Redacted christine.willett@icann.org; chris.lahatte@icann.org; Contact Information Redacted Scott Seitz; steve.crocker@icann.org
Subject: Re: EXP/426/ICANN/43, GOProud, Inc. vs. dotgay LLC

Hannah Tümpel
Manager
ICC International Centre for Expertise
38 Cours Albert 1er 75008 Paris, France
e-Mail expertise@iccwbo.org

Dear Ms. Tümpel,

We are in receipt of the ICC's letter of 19 July 2013 (the "ICC Letter') and please accept our thanks for agreeing to proceed to revisit the disputed decision concerning our objection ("Objection"). As a means of supplementing the 19 July correspondence, and in order to further clarify certain points contained in same, we offer the following:

(1) Notwithstanding the text contained in the Model Response form, communication via the e-mail address [redacted] would be consistent with the ICC Rules of Expertise, in particular Article 10, Paragraph 2, which states in pertinent part:

"All notifications or communications from the Centre and the expert shall be made to the last address of the party or its representative for whom the same are intended, as notified either by the party in question or by the other party."

See http://www.iccwbo.org/Products-and-Services/Arbitration-and-ADR/Expertise/ICC-Rules-for-Expertise/#article_10(emphasis added). As [Contact Information Redacted] was not only the address listed for Objector's Representative but was also the "last address" used in communications both sent to and received from the ICC concerning this matter, it would be entirely appropriate to send (or at minimum, copy) that address on such a highly time-sensitive and potentially impactful communication (e.g. a notice of impending dismissal of the entire case with only a 5-day correction period and no ability to re-file).

(2) Further, it is important to note that the ICC not only ignored the appropriateness (and prior history) of communicating with Objector through the address of its designated Representative, but also failed to even respond when I sent in a specific inquiry as to the status of the Objection on 5 April, 2013. See ICC Letter at page 4. It was not until several days later, when I sent in a second inquiry (on 9 April) that the ICC finally clarified that the Objection had been dismissed for being ~100 words over the 5,000 limit. Id. In good faith, and with an eye toward minimizing any adverse procedural impact, Objector (through me) quickly corrected the minor deficiency and resubmitted the corrected objection (Id.) prior to the issuance of the official dispute announcement.

(3) Also, as mentioned in a prior correspondence with the ICC, the "delivery confirmation" (if one can even call it that) supplied in the ICC's 10 April follow-up correspondence casts extreme doubt on whether or not the email purportedly sent toinfo@goproud.org actually went through. The record text specifically stated that "no delivery notification was sent by the destination server." I repeat: GOProud never received the email from the ICC.

(4) The ICC should also consider that the International Gay & Lesbian Travel Association ("ILGTA") an affiliate and strong proponent of dotgay's gTLD application (see, e.g., https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails: downloadattachment/138827?t:ac=444) has itself been given flexibility with respect to impactful deadlines (most notably an extension of time to pay expert fees), while ignoring the concerns raised by several Respondents pertaining to same. Bear in mind that GOProud paid its filing fee

on-time (documentation available upon request) and would, assuming the Objection is permitted to move forward, be prepared to pay any remaining fees as quickly as needed.

All GOProud requests is an opportunity to pay the aforementioned expert fees and proceed ahead with an objection that will be beneficial to a number of disenfranchised persons and entities, notwithstanding one minor procedural technicality (that has now been corrected). This seems to us to be a very reasonable request, and there is every indication that ICANN (whether via the Ombudsman or the NGPC) is in complete agreement. We have every confidence that the ICC will arrive at a similar conclusion and allow the Objection to continue.

In accordance with the Procedure, a copy of this letter has been sent to the Applicant via Contact Information Redacted.

Sincerely,

/crb/

Christopher R. Barron
GOProud, Inc.

Annex 5-H

INTERNATIONAL WIRE TRANSFER AUTHORIZATION FORM

UnitedBank

This form must be completed in its entirety and must be approved by an authorized individual.

Wire request method: ☒ In person ☐ Phone **Date/Time:** 3/13/13 **Branch:** Griffin Main

Section I

Amount	**Receiver/FI ABA:**
$7,000.00 US dollars	
Wire fee: $50 ☐ Fee waived reason	**Receiver FI name:**

Purpose of Wire: ☐ Personal ☒ Business If business, then nature of wire: filing fee

Section II	**Originator Information**	**Beneficiary Information**
Account Number to Debit:	Contact Information Redacted	**Beneficiary Account Number:** Contact Information Redacted
Originator Name:	Mark A Roberson	**Beneficiary Name:** International Chamber of Commerce
Physical Address Line 1:	660 Greystone Park NE	**Beneficiary Address Line 1:** 38, Cours Albert 1er
Physical Address Line 2:	Atlanta, GA 30324	**Beneficiary Address Line 2:** 75008 Paris France
Phone Number:	404 606 3380	**Beneficiary Information:**

Intermediary Section	**International Bank Section**
Intermediary Bank name:	**International Beneficiary FI Name:** UBS SA
Intermediary Bank ABA:	**International Beneficiary FI Address:** 35, rue des Noirettes PO Box 2600 1211 Geneva 2, Switzerla
Intermediary Bank Address:	**International Beneficiary Swift Code or Sort Code:** Contact Information Redacted

Additional Information/Special Instructions:

filing fee for community objection by Metroplex against application for .gaytld

Intentionally left blank

Section III- Customer Identification & Authorization

Requestor is the person actually making the wire request (e.g., an Authorized signer making a wire request on behalf of a commercial customer)

Requestor (Person requesting wire):	**Authorization:** Account Holder/Signature card ☒ Corporate Resolution ☐ Internal Use (Loan funding, CD) ☐ FTAA with security code ☐		
Sandra Lohnes			
Primary ID Type: Driver's License ☒ Military ID ☐ State-issued ID ☐ US Passport ☐	**Primary ID #:** 055438198	**Issue State/Country:** GA	**Expiration Date:** 12/08/2018
Secondary ID (Required if over $2,500): VISA 7336		**Employee Verifying Requestor's Signature, Identity Verification and/or Terms of FTAA:** Chris Mullikin	

Section IV – Customer Authorization

By signing below, I agree to the terms accompanying this form. Wires will not be processed without customer's signature. Repetitive wires without customer's signature will not be processed unless a prearranged and authorized written agreement is on file at United Bank.

Customer Signature: Sandra Lohnes **Date/Time:** 3/13/13

Email Conf # to Chris Mullikin

Annex 5-I

Dotgay LLC, Nov 21st 2013

Trail of the payments linking Top Level Design (STANDARD applicant for .gay) to the Metroplex Republicans of Dallas objection against dotgay LLC's COMMUNITY .gay application.

Summary:

Standard applicant Ray King paid funds to Metroplex Republicans of Dallas to file a community objection against dotgay LLC. According to the evidence provided in this document, Ray King's business partner at Top Level Design, Peter Brual and partner Miranda Roberson provided the funds for the Metroplex objection. Funds were extended via a 3rd party to hide the source, however the money can be linked to Peter Brual and Miranda Roberson via the "requestor" on the wire transfer who is the CFO of their company Home Nurse Inc. The fund provider lives in Atlanta and is unlikely to be member at of Metroplex Republicans of Dallas.

Detailed examination:

The Metroplex objection has been paid for by international bank wire.

According to the transfer form the money was drawn from a bank account of:
Mark A Roberson
660 NE Greystone Park
Atlanta, GA 30324

The "requestor" ("person requesting the wire") in this form is:
Sandra Lohnes
DL number 055438198

See the payment form to verify this information attached.

Ray King is the founder and CEO of the .gay applicant "Top Level Design, LLC"
According to the public available application document the "secondary contact" is
Mr. Peter Keith Brual

https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1460

Confirming Peter Brual is Ray Kings business partner.

According to dandb.com Brual and Lohnes are connected:
Company "INTELLIGENT SOLUTIONS, INC"

Contacts:

Peter Brual
Miranda Roberson
Sandra Lohnes
http://www.dandb.com/businessdirectory/intelligentsolutionsinc-atlanta-ga-27544743.html

Address of the business (it equals the one in the payment form)

650 Greystone Park Ne
Atlanta, GA 30324-5285

Miranda Roberson is Bruals partner and own a house together (650 Greystone park).
They also are connected via another company:

Home Nurse, Inc.

Principal: Ms. Miranda Roberson (CEO)
Ms. Sandra Lohnes (CFO)
http://www.bbb.org/atlanta/business-reviews/home-health-services/home-nurse-in-griffin-ga-2701074(

Home Nurse, Inc's website says:

Peter Brual, Executive Vice President
http://www.homenurse.net/management

And Mark A Roberson previously owned the house that is next to 650 Greystone Park NE

He owned 660 Greystone Park NE
http://www.city-data.com/fulton-county/N/NE-Greystone-Park-2.html
The same document also shows that Brual and Roberson own 650 Greystone.
Number 655 is opposite – 650 and 660 are neighbours.

Annex 5-J

dotgay - cpe > Message Detail Entire thread Print

Subject RE: Texas GOP
From Chris LaHatte <chris.lahatte@icann.org> (Add as Preferred Sender)
Date Thu, Aug 07, 2014 8:50 pm
To Jamie Baxter Contact Information Redacted
Cc Scott Seitz Contact Information Redacted

Subject: Re: Texas GOP

See below from Rob.

GTA

++++++++++++++++++++++++++++

---------- Forwarded message ----------
From: **Rob Schlein**
Date: Wed, Jun 18, 2014 at 5:18 PM
Subject: Re: dotGay
To: Contact Information Redacted

We filed in opposition as a courtesy of Christopher Barron. I don't think it matters at this point...a determination has been ma

Annex 6-A

THE INTERNATIONAL CENTRE FOR EXPERTISE OF THE

INTERNATIONAL CHAMBER OF COMMERCE

CASE No. EXP/390/ICANN/7

THE INTERNATIONAL LESBIAN GAY BISEXUAL TRANS AND INTERSEX ASSOCIATION

(BELGIUM)

vs/

AFFILIAS LIMITED

(IRELAND)

This document is an original of the Expert Determination rendered in conformity with the New gTLD Dispute Resolution Procedure as provided in Module 3 of the gTLD Applicant Guidebook from ICANN and the ICC Rules for Expertise.

EXP/390/ICANN/7

THE INTERNATIONAL LESBIAN GAY BISEXUAL TRANS AND INTERSEX ASSOCIATION (BELGIUM)

vs.

AFILIAS LIMITED (IRELAND)

Expert Determination

Objector

The International Lesbian Gay Bisexual Trans and Intersex Association
Mr. Renato Sabbadini
17 Rue de la Charité
1210 Brussels
Belgium
Contact Information Redacted

Objector's Representative

International Gay & Lesbian Travel Association
Mr. Clark Massad
1201 NE 26th Street, Suite 103
Fort Lauderdale, Florida 33505
USA
Contact Information Redacted

Applicant

Afilias Limited
Mr. John Kane
2 La Touche House, IFSC
Dublin
Ireland
Contact Information Redacted

Applicant's Representative

Hogan Lovells (Paris) LLP
Mr. David Taylor
17, Avenue Matignon
75008 Paris
France
Contact Information Redacted

Expert Panel

Professor Dr. Bernhard Schlink
Humboldt-Universität zu Berlin, Juristische Fakultät
Unter den Linden 6
10099 Berlin
Germany
Contact Information Redacted

Table of Contents

Procedure

1. On 12 March 2013, The International Lesbian Gay Bisexual Trans and Intersex Association ("ILGA"), represented by the International Gay & Lesbian Travel Association ("IGLTA"), filed a Community Objection against the application by Afilias Limited ("Afilias") for the string .LGBT. On 14 May 2013, Afilias filed its response. On 7 June 2013, I, Professor Dr. Bernhard Schlink, was appointed by the Chairman of the Standing Committee of the International Centre for Expertise ("Centre") of the International Chamber of Commerce ("ICC) as Expert in this matter.

2. On 3 July 2013, the Centre confirmed the full constitution of the Expert Panel, transferred the file to me and invited me to proceed with this matter. On 2 August 2013, I informed the parties that I had received the file and did not intend to invite additional submissions and did not consider holding a hearing. The parties did not submit any further submissions or statements nor did they request to be granted leave to submit additional submissions.

3. I proceeded with this matter in accordance with the Rules for Expertise of the ICC ("Rules"), supplemented by the ICC Practice Note on the Administration of Cases ("ICC Practice Note") under the Attachment to Module 3 of the gTLD Applicant Guidebook, New gTLD Dispute Resolution Procedure ("Procedure") of the gTLD Applicant Guidebook ("Guidebook") and Appendix III to the Rules.

4. The language of all submissions was English. All communications by the parties, the Expert Panel and the Centre were submitted electronically (Article 6(a) of the Procedure).

5. The draft Expert Determination was rendered to the Centre on 13 August 2013, *i.e.* within 45 days after receipt of the file transmitted by the Centre on 3 July 2013.

Summary of Parties' Positions

Objector's Position

6. ILGA presents itself as an established institution that has an ongoing relationship with the clearly delineated gay community, which ILGA writes capitalized as Gay Community. To demonstrate that it is an established institution that has an ongoing relationship with the gay community, ILGA asserts that it is the only worldwide federation of more than 1000 lesbian, gay, bisexual, transgender and intersex national and local organizations in over 100 nations and on all five continents; that it has existed since 1978; that it gathers every two years in a world conference; that its annual reports cover its own activities and also state-sponsored homophobia; and that it enjoys consultative status with the Economic and Social Council of the United Nations. To demonstrate that the gay community is a clearly delineated community, ILGA describes how a sense of community emerged among gay individuals in the early 20th century; how the Stonewall events in New York in 1969 triggered gay individuals around the world to experience themselves as part of a community; how since then more and more gay organizations sprout and provide the gay community with a network of cooperation, support, and services; and how the annual gay pride march demonstrates the unity, vitality, and strength of the gay community, which includes gay, lesbian, bisexual, transgender, and other

individuals whose gender identities and sexual orientations fall outside of the societal norms for heterosexual behavior.

7. ILGA claims substantial opposition from a significant part of the gay community to which the string .LGBT, using the acronym that stands for lesbian, gay, bisexual, and transgender, may be targeted. ILGA describes how the gay community came to understand that it needs a voice inside the new generic top-level domain ("gTLD") program, how it took the lead on the community application by dotgay llc ("dotgay") for the string .gay, how this application has the support from ILGA and more than 150 gay community organizations, and that these same organizations also object to the application by Afilias for the string .LGBT. The gay community did not, through ILGA or through an organisation closely related like dotgay, initiate a community application for the string .LGBT. Still, in ILGA's eyes, the string .LGBT and the string .gay for which dotgay has applied are identical, in so far as they target one and the same community, using names by which this community is known.

8. ILGA argues that Afilias's operation of the string .LGBT would damage the gay community. According to ILGA, Afilias presumes that the string .LGBT would bring together the people living the gay lifestyle into a community – as if being gay were merely a lifestyle and not the expression of the essential nature of a gay person, and as if the gay community did not already exist. According to ILGA, the operation of the string .LGBT would usurp and exploit the name of the abused minority community of lesbian, gay, bisexual, and transgender people and use it to generate profits that would not benefit the community. The operation of the string .LGBT would make this gTLD available to all registrants for any purpose and any use with no restriction, thereby allowing for abuses of the domain name that might cause the gay community harm, for example from registrants masquerading as members of the community who in fact were anti-gay activists intending to to use the registration for anti-gay purposes.

9. ILGA sees the main damage in the loss of opportunities for the gay community with the operation of the string .LGBT by Afilias. The operation of the string .LGBT under a non-gay community leadership and responsibility, and solely for profit, would not give the gay community the safety that it could enjoy from a gTLD under gay community leadership and responsibility. Registrants of the string .LGBT could not rely on other registrants of the string .LGBT being reliably gay, and people who approach registrants of the string .LGBT could not rely upon finding trustworthy gay businesses and enterprises, gay community programs and services. In addition, the operation of the string .LGBT under a non-gay community leadership and responsibility and solely for profit would not generate the funds that the gay community needs to support its programs and services – something that the operation of the string .gay by dotgay would do, because dotgay has committed to give a substantial share of its profits back to the gay community.

10. In its objection, ILGA requests that Afilias "be forced to withdraw its application". Pursuant to Article 21 (d) of the Procedure, the Panel in its Expert Determination decides whether an objection is successful or dismissed; it cannot force an applicant to withdraw its application. Thus, ILGA's request that Afilias be forced to withdraw does not fall into the scope of the present proceedings.

Applicant's Position

11. Afilias responds that the operation of the string .LGBT is not meant to create a community, but rather, to provide an online environment whereby lesbian, gay, bisexual, and transgender

("LGBT") individuals, organisations, and companies can interact under a new secure domain name space. It further responds that operating the string .LGBT cannot exploit the name of the gay community, because the objector itself refers to this community again and again as gay and not as LGBT. It also points to the huge marketing trend of more and more businesses targeting the "gay dollar", the financial and monetary potential of the LGBT community; these businesses, even without themselves belonging to the LGBT community, should be able to use the string .LGBT to present themselves as having this special targeting focus. As to the damages that ILGA foresees, Afilias points to its robust policy and swift actions to remove abusive domain name registrations from its other domains and to the speculative nature of the damages envisioned by ILGA. As to the lost opportunities that ILGA claims, Afilias claims the freedom not to protect and to serve the gay community but rather to pursue a business.

12. Afilias suspects that ILGA's real issue with Afililas's application for the string .LGBT is that it is likely to provide competition with dotgay's application for the string .gay which is supported by ILGA and which tries to become the only gTLD on the Internet to serve the gay community.

Findings

13. ILGA's standing has not been doubted by Afilias and is not to be doubted. To have standing the objector has to be an established institution associated with a clearly delineated community (Module 3.2.2.4 of the Guidebook), *i.e.* with a group that is publicly recognized as a community at a local and/or global level and has formal boundaries that enable a determination of what persons or entities form the community (Module 3.5.4 of the Guidebook, first test). The gay community is a clearly delineated community. It is publicly recognized as such in the language of the media, scholarship, and common usage, formed by millions of individuals whose gender identities and sexual orientations are outside of the societal norms for heterosexual behavior and who, whether they are more or whether they are less organized, share the awareness of their special status. During the last century, the gay community has grown out of individuals with that special awareness into a community in its own right and is now a worldwide presence.

14. ILGA is a globally recognized institution, existing since 1978, organized around the cause of the gay community, fighting for the freedom to live and express one's gender identity and sexual orientation outside of the societal norms for heterosexual behavior without any discrimination. ILGA existed much prior to the new gTLD proceedings and its purpose is far broader than merely taking the role of objector in the present proceedings.

15. ILGA has also proven substantial opposition against Afilias's application for the string .LGBT (Module 3.5.4 of the Guidebook, second test). It has named more than 150 gay community organizations that support the community application by dotgay for the string .gay and also object to the application by Afilias for the string .LGBT.

16. ILGA has used less care to prove a strong association between the string .LGBT and the gay community it represents (Module 3.5.4 of the Guidebook, third test). As Afilias points out in its response, ILGA itself refers again and again to the gay community and not to the lesbian, gay, bisexual, and transgender community. It was not required to prove the strong association with more care; it is common knowledge that the term gay community refers to this wider community, wider even than a lesbian, gay, bisexual, and transgender community, and that LGBT is one of the different abbreviations used to characterize it.

17. For an objection to be successful, the objector has to prove that the application creates a likelihood of material detriment to the rights or legitimate interests of a significant portion of the community to which the string may be explicitly or implicitly targeted; Module 3.5.4 of the Guidebook, fourth test, mentions as detrimental in particular damage to the reputation of the community, a failure of the applicant to act in accordance with the interests of the community, interference with the core activities of the community, impairment of the community's dependency on the Domain Name System ("DNS") for its core activities, and economic damage to the community.

18. ILGA has not proven that Afilias's application creates a likelihood of material detriment to the rights of a significant portion of the gay community, nor has ILGA attempted to prove this. Instead, ILGA has attempted to prove a likelihood of material detriment to the legitimate interests of the gay community. It has argued that the gay community needs its own gTLD, that is designed to serve the gay community and to operate accordingly. It should be a safe gTLD where registrants and users can rely on the fact that other registrants who present themselves as gay and as providers of programs, services, funds, and support for gay people are actually gay and trustworthy. It should not be operated only for profit, not even foremost for profit, but with the purpose of giving a fair share of the revenue back to the gay community for its needs and activities. ILGA also fears an usurpation and exploitation of the name of the gay community, should Afilias operate the string .LGBT. But, while not negating that the gay community is also know by the name LGBT, ILGA emphasises that "the Gay Community is of course known by the name gay". It insists on the name gay as the one true name of the gay community, however else the community may be called and known otherwise, as there are indeed many abbreviations that can be formed and used to designate the gay community, and new abbreviations keep emerging.

19. The interest in operating its own gTLD and the interest in not having its name usurped and exploited are legitimate interests of the gay community. But the names gay and LGBT are different. It is not to be seen how Afilias's operation of the string .LGBT could be a detriment to the gay community's interest in operating its own gTLD under the name gay. Nor is it to be seen how Afilias's use of the name LGBT could be an usurpation and exploitation of the name gay that ILGA as the representative of the gay community regards to be truly the name of the gay community.

20. It may happen that among the registrants of the string .LGBT will be non-gay and even anti-gay registrants who try to use the registration for anti-gay purposes. But not all names that can be formed and used and may emerge to designate the gay community and not all commercial utilizations of them can be protected completely against abuse. Occasional abuse is not to be regarded as damage to the reputation of the gay community. Neither does the possibility of occasional abuse mean that Afilias would not operate the string .LGBT in accordance with the interests of the gay community. It does not interfere with the gay community's core activities, nor does it cause economic damage to the gay community.

21. In other words, the gay community's legitimate interest - to operate its own gTLD, not to have its name usurped and exploited, and not to have a gay-related gTLD abused - cannot legitimize an exclusive claim to all names that can be formed and used and may emerge to designate the gay community nor to the gTLDs with the corresponding names. In a free society and on a free market, a community that represents the legitimate interests of its members cannot exclude competition to represent it, to serve it, to target its members as

customers and to do business with them. There is no legal or moral or social principle that would support this kind of exclusivity.

22. The legitimate interests of the gay community can only legitimize a claim to a gTLD that is exclusively linked to the gay community. A community that represents the legitimate interests of its members can claim a safe and secure position in the society and on the market, and this holds particularly for a community that represents the legitimate interests of a minority. Its claim to a safe and secure position in the society and on the market includes a safe and secure position in the internet. Therefore, while the gay community cannot exclude competition, it could file and has filed its own application for a gTLD that is designed to serve the gay community and to operate accordingly: dotgay's community application for the string .gay.

23. ILGA has shown a likelihood of material detriment to the legitimate interests of the gay community if there is no gTLD designed to serve the gay community and to operate under appropriate principles that grant safety and financial rewards for the gay community. ILGA has not proven that other gTLDs with names that can also be targeted to the gay community are likely to cause material detriment to the legitimate interests of the gay community or a significant portion thereof. They can only cause a certain amount of competition, and Afilias has convincingly argued that there is a legitimate interest in targeting the gay community without belonging to it or without belonging to the portion of it that supports the string .gay. A coexistence of an "official" gTLD of the gay community and another "unofficial" gTLD is no material detriment to the legitimate interests of the gay community.

Decision

For all the above reasons and according to Article 21 (d) of the Procedure, I hereby render the following Expert Determination:

1. ILGA's objection fails and is dismissed.

2. The Applicant Afilias prevails.

3. Afilias's advance payment of costs shall be refunded by the Centre to Afilias.

16 November 2013

Prof. Dr. Bernhard Schlink, Expert

Annex 6-B

THE INTERNATIONAL CENTRE FOR EXPERTISE OF THE

INTERNATIONAL CHAMBER OF COMMERCE

CASE No. EXP/394/ICANN/11

THE INTERNATIONAL LESBIAN GAY BISEXUAL TRANS AND INTERSEX ASSOCIATION

(BELGIUM)

vs/

UNITED TLD HOLDCO LTD.

(CAYMAN ISLANDS)

This document is an original of the Expert Determination rendered in conformity with the New gTLD Dispute Resolution Procedure as provided in Module 3 of the gTLD Applicant Guidebook from ICANN and the ICC Rules for Expertise.

EXP/394/ICANN/11

THE INTERNATIONAL LESBIAN GAY BISEXUAL TRANS AND INTERSEX ASSOCIATION (BELGIUM)

vs.

UNITED TLD HOLDCO LTD. (CAYMAN ISLANDS)

Expert Determination

Objector

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Applicant's Representative

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Procedure

1. On 12 March 2013, The International Lesbian Gay Bisexual Trans and Intersex Association ("ILGA"), represented by the International Gay & Lesbian Travel Association ("IGLTA"), filed a Community Objection against the application by United TLD Holdco Ltd. ("United TLD") for the string .gay. On 22 May 2013, United TLD filed its response. On 7 June 2013, I, Professor Dr. Bernhard Schlink, was appointed by the Chairman of the Standing Committee of the International Centre for Expertise ("Centre") of the International Chamber of Commerce ("ICC") as Expert in this matter.

2. On 15 July 2013, the Centre confirmed the full constitution of the Expert Panel, transferred the file to me and invited me to proceed with this matter. On 2 August 2013, I informed the parties that I had received the file and did not intend to invite additional submissions and did not consider holding a hearing. The parties did not submit any further submissions or statements nor did they request to be granted leave to submit additional submissions.

3. I proceeded with this matter in accordance with the Rules for Expertise of the ICC ("Rules"), supplemented by the ICC Practice Note on the Administration of Cases ("ICC Practice Note") under the Attachment to Module 3 of the gTLD Applicant Guidebook, New gTLD Dispute Resolution Procedure ("Procedure") of the gTLD Applicant Guidebook ("Guidebook") and Appendix III to the Rules.

4. The language of all submissions was English. All communications by the parties, the Expert Panel and the Centre were submitted electronically (Article 6(a) of the Procedure).

5. The draft Expert Determination was rendered to the Centre on 13 August 2013, *i.e.* within 45 days after receipt of the file transmitted by the Centre on 15 July 2013.

Summary of Parties' Positions

Objector's Position

6. ILGA presents itself as an established institution that has an ongoing relationship with the clearly delineated gay community, which ILGA writes capitalized as Gay Community. To demonstrate that it is an established institution that has an ongoing relationship with the gay community, ILGA documents that it is the only worldwide federation of more than 1000 lesbian, gay, bisexual, transgender and intersex national and local organizations in over 100 nations and on all five continents; that it has existed since 1978; that every two years it holds a world conference; that its many activities and particularly its fight against state-sponsored homophobia are covered in annual reports; and that it enjoys consultative status with the Economic and Social Council of the United Nations. To demonstrate that the gay community is a clearly delineated community, ILGA describes how a sense of community emerged among gay individuals in the early 20th century; how the Stonewall events in New York in 1969 triggered gay individuals around the world to experience themselves as part of a community; how since then more and more gay organizations sprout and provide the gay community with a network of cooperation, support, and services; and how the annual gay pride march demonstrates the unity, vitality, and strength of the gay community, which

includes all individuals whose gender identities and sexual orientations fall outside of the societal norms for heterosexual behavior.

7. ILGA claims substantial opposition from a significant part of the gay community to which the string .gay may be targeted. It describes how the gay community came to understand that it needs a voice inside the new generic top-level domain ("gTLD") program, how it took the lead on the community application by dotgay llc ("dotgay") for the string .gay, how this application has the support from ILGA and more than 150 gay community organizations, and that these same organizations also object to the application by United TLD for the string .gay.

8. ILGA argues that United TLD's operation of the string .gay would damage the gay community. According to ILGA, United TLD does not recognize the gay community, denies its identity and renders it to a commodity among other commodities to be bought and sold. To operate a string .gay while denying the identity of the gay community would be a harmful act in and of itself. Furthermore, the operation of the string .gay would usurp and exploit the name of the gay community, which these days includes lesbian, gay, bisexual, trans, queer, intersex people and allies. Taking a group's name and using it to create a profitable business should be regarded as exploitation, unless it is done for and endorsed by the community itself. United TLD would use the string .gay to generate profits that would not benefit the community. Its operation of the string .gay would make this gTLD available to all registrants for any purpose and any use with no restriction, thereby allowing for abuses of the domain name that might cause the gay community harm, for example from registrants masquerading as members of the community who in fact were anti-gay activists intending to use the registration for anti-gay purposes.

9. ILGA sees a major damage in the loss of opportunities for the gay community with the operation of the string .gay by United TLD. The operation of the string .gay under a non-gay community leadership and responsibility, and solely for profit, would not give the gay community the safety that it could enjoy from a gTLD under gay community leadership and responsibility. Registrants of the string .gay could not rely on other registrants being reliably gay, and people who approach registrants of the string .gay could not rely upon finding trustworthy gay businesses and enterprises, gay community programs and services. In addition, the operation of the string .gay under a non-gay community leadership and responsibility and solely for profit would not allow the gay community to assemble the funds and resources that it needs to support its programs and services.

10. In its objection, ILGA requests that United TLD "be forced to withdraw its application". Pursuant to Article 21 (d) of the Procedure, the Panel in its Expert Determination decides whether an objection is successful or dismissed; it cannot force an applicant to withdraw its application. Thus, ILGA's request that United TLD be forced to withdraw its application does not fall into the scope of the present proceedings.

Applicant's Position

11. United TLD challenges ILGA's standing. It claims that there is no such thing as a gay community and that what is called the gay community cannot be regarded as a clearly delineated community, because it is too diverse, too much in flux, and lacks a single ideology. In any case, according to United TLD, the so-called gay community is too diverse to be represented by ILGA or any other organization or set of organizations.

12. United TLD further argues that there is no substantial opposition from a significant part of the so-called gay community against its application. It points to the fact that there is no evidence that the members of the so-called gay community who are not organized in or around ILGA object United TLD's application.

13. United TLD finally denies the material detriment to the legitimate interest of the gay community that ILGA sees likely to arise from United TLD's operation of the string .gay. By operating an open gTLD without restrictions, boundaries, and limitations, United TLD would not only embrace the people who identify with the term gay, but would allow all people who wish to interact under the gTLD name gay to do so. United TLD claims that its operation of .gay would not allow for more discrimination or more expression of abusive, hateful, and harmful views than already exist. As to the funds and resources that ILGA wants to raise through dotgay's operation of the string .gay to support programs and services of the gay community, United TLD argues that ILGA is not entitled to them. Finally United TLD criticizes ILGA's objection as anti-competitive, because if the string .gay were operated by dotgay rather than United TLD, fewer people could register under it.

Findings

14. Based on the submissions of the parties, ILGA has standing. To have standing the objector has to be an established institution associated with a clearly delineated community (Module 3.2.2.4 of the Guidebook), *i.e.* with a group that is publicly recognized as a community at a local and/or global level and has formal boundaries that enable a determination of what persons or entities form the community (Module 3.5.4 of the Guidebook, first test). The gay community is a clearly delineated community. It is publicly recognized as such in the language of the media, scholarship, and common usage, formed by millions of individuals whose gender identities and sexual orientations are outside of the societal norms for heterosexual behavior and who, whether they are more or whether they are less organized, share the awareness of their special status. During the last century, the gay community has grown out of individuals with that special awareness into a community in its own right and is now a worldwide presence. That this community is diverse, in flux, and in lack of a single ideology does not deprive it of being a community; communities are living entities.

15. ILGA is a globally recognized institution, existing since 1978, organized around the cause of the gay community, fighting for the freedom to live and express one's gender identity and sexual orientation outside of the societal norms for heterosexual behavior without any discrimination. ILGA does not claim to represent the gay community in each and every context and respect and is not required to do so; all that Module 3.2.2.4 of the Guidebook asks for is that it has an ongoing relationship with the gay community. This, ILGA has certainly demonstrated. ILGA existed much prior to the new gTLD proceedings and its purpose is far broader than merely taking the role of objector in the present proceedings.

16. ILGA has also proven substantial opposition against United TLD's application for the string .gay (Module 3.5.4 of the Guidebook, second test). It has named more than 150 gay community organizations that support the community application by dotgay for the string .gay and also object to the application by United TLD for the string .gay. That there are gay people and gay organizations that do not object is irrelevant; Module 3.5.4 of the Guidebook does not ask for comprehensive opposition of the community but only for substantial opposition within the community. The strong association between the the string .gay and the gay community that ILGA represents (Module 3.5.4 of the Guidebok, third test) is obvious.

17. For an objection to be successful, the objector has to prove that the application creates a likelihood of material detriment to the rights or legitimate interests of a significant portion of the community to which the string may be explicitly or implicitly targeted; Module 3.5.4 of the Guidebook, fourth test, mentions as detrimental in particular damage to the reputation of the community, a failure of the applicant to act in accordance with the interests of the community, interference with the core activities of the community, impairment of the community's dependency on the Domain Name System ("DNS") for its core activities, and economic damage to the community.

18. ILGA has not proven that United TLD's application creates a likelihood of material detriment to a significant portion of the gay community, nor has ILGA attempted to prove this. Instead, ILGA has attempted to prove a likelihood of material detriment to the legitimate interests of the gay community. To prove this, it would have been sufficient to prove the likelihood of damage to the reputation of the community, of a failure of the applicant to act in accordance with the interests of the community, of interference with the core activities of the community, of impairment of the community's dependency on the Domain Name System ("DNS") for its core activities, or of economic damage to the community (Module 3.5.4 of the Guidebook, fourth test). ILGA has argued that the gay community needs a gTLD, that is designed to serve the gay community and to operate accordingly. It should be a safe domain where registrants and users can rely on the fact that other registrants who present themselves as gay and as providers of programs, services, funds, and support for gay people are actually gay and trustworthy. The gTLD should be safeguarded against anti-gay registrants who want to use it as a tool for discrimination gainst the gay community. Furthermore the gTLD should not be operated only for profit, not even foremost for profit, but with the purpose of giving a fair share of the revenue back to the gay community for its needs and activities. To avoid these likely usurpations and exploitations the gTLD should be administered by gay community itself.

19. With these submissions ILGA has not proven an interference with the gay community's core activities or an economic damage to the gay community that would result from United TLD's operation of the string .gay. Nor has ILGA proven that United TLD would not act in accordance with the interests of the community; all that is clear from ILGA's and also United TLD's assertions is that United TLD would not feel a particular responsibility towards the community but rather treat it and its members like any other user.

20. What ILGA has shown is that over the last century and particularly over the last decades the gay community has turned the name gay from a derogatory term into a respected name. Even though the name gay is not a legally protected name of the gay community, ILGA's concern, that the usurpation and exploitation of this name for naked profit making might make the gay community look like a community of customers and consumers rather than a community of people with a special identity and special concerns, may be understandable. But this feared adverse affect on the gay community's appearance would be far from a damage to thereputation of the gay community. In our capitalist world, each and every name is being used for profit making, and everybody is being targeted as a customer and consumer. The reputation of individuals and communities grows out of their qualities, engagements, and activities that transcend the level of profit making and being a customer and consumer.

21. ILGA has certainly demonstrated that the gay community depends on the DNS for its core activities. Within the DNS it depends on its own gTLD. United TLD's operation of the string .gay would not impair the gay community's core activities or economic situation or

even reputation. But since the string .gay, operated by United TLD, and the string .gay, operated by dotgay, can not exist simultaneously, United TLD's operation of the string .gay would keep the gay community from promoting its core activities, improving its economic situation, and also enhancing its reputation by operationg its own string .gay. It would also keep the gay community from operating its own string .gay with special mindfulness for the gay community's needs and interests. The interference that can be found in this is an interference less with what the gay community has than with what the gay community wants – its own gTLD. If United TLD would operate the string .gay, the gay community would be deprived of the chance to operate its own string .gay and to make manifold use of it.

22. The detriment that the gay community is threatened by is the loss of the chance to operate its own string .gay. Supported by ILGA and more than 150 gay organizations, dotgay filed a community application for the string .gay. If United TLD, rather than the gay community represented by ILGA as the objector and dotgay as the applicant, were granted the string .gay, the gay community would lose the chance to operate its own string .gay. This loss of the chance to operate its own string .gay might be regarded as a detriment to the legitimate interests of the gay community. But Module 3.5.4 of the Guidebook clarifies that this detriment alone is not sufficient for ILGA's objection to be successful.

23. Module 3.5.4 of the Guidebook states that "an allegation of detriment that consists only of the applicant being delegated the string instead of the objector will not be sufficient for a finding of material detriment". This cannot be taken literally as referring to a situation in which the objector's one and only argument is that it, in its role as applicant, should get the string rather than the other applicant; no objector would argue in such a reductionist way. It can only refer to a situation in which the objector argues that the community involved would be better served if its application were succesful and it got the string rather than the other applicant. The logic behind the quoted Module 3.5.4 of the Guidebook is that the Guidebook stipulates a different procedure for the contention between two applicants, one a community-based applicant, the other a standard applicant, and the decision on whether the community-based applicant will serve the community involved well enough to win against the standard applicant. That procedure is the Community Priority Evaluation Procedure of Module 4.2.2 of the Guidebook.

24. The objector that the above quote of Module 3.5.4 of the Guidebook deals with is an applicant himself. But, again, this must not be taken literally as meaning that the objector and the applicant have to be one and the same institution. The institutions must not be identical as long as the interests and the community involved are.

25. This is confirmed by Module 3.2.2.4 of the Guidebook, which gives standing for a Community Objection only to an institution that has "not been established solely in conjunction with the gTLD application process". Because the possibility of applying for a new gTLD is new, and the operation of a new gTLD is a technically and logistically advanced and sophisticated business, for an established institution that represents an established community, the obvious choice is not to take on the task of operating this business itself but rather to delegate it to a new, technically and logistically properly equipped institution. In this situation, Module 3.5.4 of the Guidebook, if taken literally as requiring objector and applicant to be one and the same institution, would become irrelevant: the new institution, as applicant, could not object under Module 3.2.2.4 of the Guidebook and the old institution that could object, not being the applicant, could not argue that the community involved would be better served if its application were successful and it got the string rather than the other applicant. But Module 3.2.2.4 of the Guidebook is meant to become relevant and to steer the contention

between two applicants, one a community-based applicant, the other a standard applicant, and the decision on whether the community-based applicant will serve the community involved well enough to win to the Community Priority Evaluation Procedure of Module 4.2.2 of the Guidebook.

26. So for Module 3.5.4 of the Guidebook, the objector, the established institution, and the applicant, the new institution, are to be treated as one entity under the following conditions: The objector and the applicant are intrinsically linked because they serve the same community, share the same interests, cooperate closely, and practice a division of labor under which the objection comes from the established institution that has established ties to the community and knows and represents its interests plausibly and competently, while the application comes from the new institution charged with applying for a new gTDL and running it on behalf of the community.

27. In this case, if the arguments that the objector brings forward under the Community Objection Procedure of Module 3.5.4 of the Guidebook are the same that matter in the Community Priority Evaluation Procedure of Module 4.2.2 of the Guidebook, then they have to be dealt with under the latter procedure, and therefore cannot be regarded as material detriment under the Community Objection Procedure of Module 3.5.4 of the Guidebook.

28. ILGA and dotgay are not one and the same institution, but they are instrinsically linked. As described in ILGA's objection, the gay community, of which ILGA is the established representative, took leadership of the community application by dotgay, and dotgay advised, supported, and organized ILGA's community objection. ILGA, the established institution, and dotgay, the new institution, practice a division of labor under which they serve the gay community and pursue the same interests optimally.

29. ILGA argues that the gay community would be better served if dotgay's application were successful and dotgay got the string rather than United TLD. It emphasizes the history, vitality, and strength of the gay community and how it is clearly defined and richly organized; the nexus between the string .gay and the gay community; the registration policies under which dotgay would operate the string .gay in the interest of the gay community; and the gay community's support for the operation of the string .gay by dotgay. These are the arguments that matter in the Community Priority Evaluation Procedure of Module 4.2.2 of the Guidebook.

30. The interplay between the Community Objection Procedure of Module 3.2.2.4 of the Guidebook and the Community Priority Evaluation Procedure of Module 4.2.2 of the Guidebook is intricate. The contention between two applicants, one a community-based applicant, the other a standard applicant, and the decision on whether the community-based applicant will serve the community involved well enough to win against the standard applicant, belong into the Community Priority Evaluation Procedure of Module 4.2.2 of the Guidebook. If the community involved could exclude the other applicant by using the Community Objection Procedure of Module 3.2.2.4 of the Guidebook, presenting an established institution as an objector, and presenting arguments that were not sufficient to win in the Community Priority Evaluation Procedure of Module 4.2.2 of the Guidebook, this procedure would be voided and kept from serving the purpose for which it is created.

31. One might consider dealing with the intricate interplay between the two procedures by requiring that the likelihood of material detriment to the legitimate interests of the community under Module 3.5.4 of the Guidebook were proven in a manner that would also fulfill the

criteria of the Community Priority Evaluation Procedure of Module 4.2.2 of the Guidebook and, if that proof succeeded, allow the objection to prevail. The arguments that ILGA presents offer enough material to suggest that such criteria might well be fulfilled. But the Guidebook stipulates the Community Priority Evaluation as a different procedure before a different panel. This has to be respected.

32. So while the lost chance of operating its own string .gay, caused by United TLD being delegated the string .gay, might be regarded as a detriment to the legitimate interests of the gay community, under Module 3.5.4 of the Guidebook this detriment is not sufficient for a finding of material detriment and for ILGA's objection to be successful.

Decision

For all the above reasons and according to Article 21 (d) of the Procedure, I hereby render the following Expert Determination:

1. ILGA's objection fails and is dismissed.

2. The Applicant United TLD prevails.

3. United TLD's advance payment of costs shall be refunded by the Centre to United TLD.

16 November 2013

Prof. Dr. Bernhard Schlink, Expert

Annex 6-C

THE INTERNATIONAL CENTRE FOR EXPERTISE OF THE

INTERNATIONAL CHAMBER OF COMMERCE

CASE No. EXP/392/ICANN/9

THE INTERNATIONAL LESBIAN GAY BISEXUAL TRANS AND INTERSEX ASSOCIATION

(BELGIUM)

vs/

TOP LEVEL DESIGN, LLC

(USA)

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THE INTERNATIONAL LESBIAN GAY BISEXUAL TRANS AND INTERSEX ASSOCIATION (BELGIUM)

vs.

TOP LEVEL DESIGN, LLC (USA)

Expert Determination

Objector

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Applicant

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Procedure

1. On 12 March 2013, The International Lesbian Gay Bisexual Trans and Intersex Association ("ILGA"), represented by the International Gay & Lesbian Travel Association ("IGLTA"), filed a Community Objection against the application by Top Level Design, LLC ("TLD") for the string .GAY, written in capital letters. On 22 May 2013, TLD filed its response. On 7 June 2013, I, Professor Dr. Bernhard Schlink, was appointed by the Chairman of the Standing Committee of the International Centre for Expertise ("Centre") of the International Chamber of Commerce ("ICC") as Expert in this matter.

2. On 4 July 2013, the Centre confirmed the full constitution of the Expert Panel, transferred the file to me and invited me to proceed with this matter. On 2 August 2013, I informed the parties that I had received the file and did not intend to invite additional submissions and did not consider holding a hearing. The parties did not submit any further submissions or statements nor did they request to be granted leave to submit additional submissions.

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Summary of Parties' Positions

Objector's Position

6. ILGA presents itself as an established institution that has an ongoing relationship with the clearly delineated gay community, which ILGA writes capitalized as Gay Community. To demonstrate that it is an established institution that has an ongoing relationship with the gay community, ILGA documents that it is the only worldwide federation of more than 1000 lesbian, gay, bisexual, transgender and intersex national and local organizations in over 100 nations and on all five continents; that it has existed since 1978; that every two years it holds a world conference; that its many activities and particularly its fight against state-sponsored homophobia are covered in annual reports; and that it enjoys consultative status with the Economic and Social Council of the United Nations. To demonstrate that the gay community is a clearly delineated community, ILGA describes how a sense of community emerged among gay individuals in the early 20th century; how the Stonewall events in New York in 1969 triggered gay individuals around the world to experience themselves as part of a community; how since then more and more gay organizations sprout and provide the gay community with a network of cooperation, support, and services; and how the annual gay pride march demonstrates the unity, vitality, and strength of the gay community, which

includes all individuals whose gender identities and sexual orientations fall outside of the societal norms for heterosexual behavior.

7. ILGA claims substantial opposition from a significant part of the gay community to which the string .GAY may be targeted. It describes how the gay community came to understand that it needs a voice inside the new generic top-level domain ("gTLD") program, how it took the lead on the community application by dotgay llc ("dotgay") for the string .gay, how this application has the support from ILGA and more than 150 gay community organizations, and that these same organizations also object to the application by TLD for the string .GAY.

8. ILGA argues that TLD's operation of the string .GAY would damage the gay community. According to ILGA, TLD denies the existence of a gay community and does not understand that being gay is the expression of the essential nature of a gay person and not a choice of a gay lifestyle or a homosexual culture. To operate a string .GAY while denying the existence of the gay community would be a harmful act in and of itself. Furthermore, the operation of the string .GAY would usurp and exploit the name of the gay community, which these days includes lesbian, gay, bisexual, trans, queer, intersex people and allies. Taking a group's name and using it to create a profitable business should be regarded as exploitation, unless it is done for and endorsed by the community itself. TLD would use the string .GAY to generate profits that would not benefit the community. Its operation of the string .GAY would make this gTLD available to all registrants for any purpose and any use with no restriction, thereby allowing for abuses of the domain name that might cause the gay community harm, for example from registrants masquerading as members of the community who in fact were anti-gay activists intending to use the registration for anti-gay purposes.

9. ILGA sees a major damage in the loss of opportunities for the gay community with the operation of the string .GAY by TLD. The operation of the string .GAY under a non-gay community leadership and responsibility, and solely for profit, would not give the gay community the safety that it could enjoy from a gTLD under gay community leadership and responsibility. Registrants of the string .GAY could not rely on other registrants being reliably gay, and people who approach registrants of the string .GAY could not rely upon finding trustworthy gay businesses and enterprises, gay community programs and services. In addition, the operation of the string .GAY under a non-gay community leadership and responsibility and solely for profit would not allow the gay community to assemble the funds and resources that it needs to support its programs and services.

10. In its objection, ILGA requests that TLD "be forced to withdraw its application". Pursuant to Article 21 (d) of the Procedure, the Panel in its Expert Determination decides whether an objection is successful or dismissed; it cannot force an applicant to withdraw its application. ILGA's request that TLD be forced to withdraw its application does not fall into the scope of the present proceedings.

Applicant's Position

11. TLD challenges ILGA's standing. It sees many different gay lifestyles and cultures, too many to talk of one gay community. Not wanting to categorically deny the existence of a gay community, TLD finds it at least impractical to define the gay community for the purposes of the new gTLD application and dispute resolution procedure. TLD also regards ILGA as a strawman for dotgay, the competing applicant for .GAY who itself does not have standing as an objector; TLD therefore regards ILGA's objection as abusive.

12. TLD further argues that there is no substantial opposition from a significant part of the gay community against its application, and that TLD does not even target the string .GAY to the gay community but welcomes anybody to register domain names under this gTLD without prior restrictions.

13. TLD finally argues that the material detriment to the legitimate interest of the gay community that ILGA sees likely to arise from TLD's operation of the string .GAY is irrelevant. TLD finds likelihood of material detriment not sufficient, but thinks that certainty is required. TLD does not deny that it will not operate the string .GAY in the particular interest of the gay community. But it sees no need to do so; it will operate the string .GAY in a completely open and unrestricted manner and thereby serve the interests of all who may register equally and, doing that, even reduce prejudice against the gay community.

Findings

14. Based on the submissions of the parties, ILGA has standing. To have standing the objector has to be an established institution associated with a clearly delineated community (Module 3.2.2.4 of the Guidebook), *i.e.* with a group that is publicly recognized as a community at a local and/or global level and has formal boundaries that enable a determination of what persons or entities form the community (Module 3.5.4 of the Guidebook). The gay community is a clearly delineated community. It is publicly recognized as such in the language of the media, scholarship, and common usage, formed by millions of individuals whose gender identities and sexual orientations are outside of the societal norms for heterosexual behavior and who, whether they are more or whether they are less organized, share the awareness of their special status. During the last century, the gay community has grown out of individuals with that special awareness into a community in its own right and is now a worldwide presence.

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16. ILGA has also proven substantial opposition against TLD's application for the string .GAY (Module 3.5.4 of the Guidebook, second test). It has named more than 150 gay community organizations that support the community application by dotgay for the string .gay and also object to the application by TLD for the string .GAY. The strong association between the the string .GAY and the gay community that ILGA represents (Module 3.5.4 of the Guidebook, third test) is obvious.

17. For an objection to be successful, the objector has to prove that the application creates a likelihood of material detriment to the rights or legitimate interests of a significant portion of the community to which the string may be explicitly or implicitly targeted; Module 3.5.4 of the Guidebook, fourth test, mentions as detrimental in particular damage to the reputation of the community, a failure of the applicant to act in accordance with the interests of the community, interference with the core activities of the community, impairment of the community's dependency on the Domain Name System ("DNS") for its core activities, and economic damage to the community.

18. ILGA has not proven that TLD's application creates a likelihood of material detriment to the rights of a significant portion of the gay community, nor has ILGA attempted to prove this. Instead, ILGA has attempted to prove a likelihood of material detriment to the legitimate interests of the gay community. To prove this, it would have been sufficient to prove the likelihood of damage to the reputation of the community, of a failure of the applicant to act in accordance with the interests of the community, of interference with the core activities of the community, of impairment of the community's dependency on the Domain Name System ("DNS") for its core activities, or of economic damage to the community (Module 3.5.4 of the Guidebook, fourth test). ILGA has argued that the gay community needs a gTLD that is designed to serve the gay community and to operate accordingly. It should be a safe gTLD where registrants and users can rely on the fact that other registrants who present themselves as gay and as providers of programs, services, funds, and support for gay people are actually gay and trustworthy. The gTLD should be safeguarded against anti-gay registrants who want to use it as a tool for discrimination against the gay community. Furthermore the gTLD should not be operated only for profit, not even foremost for profit, but with the purpose of giving a fair share of the revenue back to the gay community for its needs and activities. To avoid these likely usurpations and exploitations the gTLD should be administered by the gay community itself.

19. With these submissions ILGA has not proven an interference with the gay community's core activities or an economic damage to the gay community that would result from TLD's operation of the string .GAY. Nor has ILGA proven that TLD would not act in accordance with the interests of the community; all that is clear from ILGA's and also TLD's assertions is that TLD would not feel a particular responsibility towards the community but rather treat its members and interests like any other users and interests.

20. ILGA has shown that over the last century and particularly over the last decades the gay community has turned the name gay from a derogatory term into a respected name. Even though the name gay is not a legally protected name of the gay community, ILGA's concern, that the usurpation and exploitation of this name for naked profit making might make the gay community look like a community of customers and consumers rather than a community of people with a special identity and special concerns, may be understandable. But this feared adverse effect on the gay community's appearance would be far from a damage to the reputation of the gay community. In our capitalist world, each and every name is being used for profit making, and everybody is being targeted as a customer and consumer. The reputation of individuals and communities grows out of their qualities, engagements, and activities that transcend the level of profit making and being a customer and consumer.

21. ILGA has certainly demonstrated that the gay community depends on the DNS for its core activities. Within the DNS it depends on its own gTLD. TLD's operation of the string .GAY would not impair the gay community's core activities or economic situation or even reputation. But since the strings .GAY and .gay, written differently, but treated identically within the DNS, can not exist simultaneously, TLD's operation of the string .GAY would keep the gay community from promoting its core activities, improving its economic situation, and also enhancing its reputation by operating its own string .gay. It would also keep the gay community from operating its own string .gay with special mindfulness for the gay community's needs and interests. The interference that can be found in this is an interference less with what the gay community has than with what the gay community wants – its own gTLD. If TLD would operate the string .GAY, the gay community would be deprived of the chance to operate its own string .gay and to make manifold use of it.

22. The detriment that the gay community is threatened by, is the loss of the chance to operate its own string .gay. Supported by ILGA and more than 150 gay organizations, dotgay filed a community application for the string .gay. If TLD, rather than the gay community represented by ILGA as the objector and dotgay as the applicant, were granted the string .gay, the gay community would lose the chance to operate its own string .gay. This loss might be regarded as a detriment to the legitimate interests of the gay community. But Module 3.5.4 of the Guidebook clarifies that this detriment alone is not sufficient for ILGA's objection to be successful.

23. Module 3.5.4 of the Guidebook states that "an allegation of detriment that consists only of the applicant being delegated the string instead of the objector will not be sufficient for a finding of material detriment". This cannot be taken literally as referring to a situation in which the objector's one and only argument is that it, in its role as an applicant for the string, should get the string rather than the other applicant; no objector would argue in such a reductionist way. It can only refer to a situation in which the objector argues that the community involved would be better served if its application were succesful and it got the string rather than the other applicant. The logic behind the quoted Module 3.5.4 of the Guidebook is that the Guidebook stipulates a different procedure for the contention between two applicants, one a community-based applicant, the other a standard applicant, and the decision on whether the community-based applicant will serve the community involved well enough to win against the standard applicant. That procedure is the Community Priority Evaluation Procedure of Module 4.2.2 of the Guidebook.

24. The objector that the above quote of Module 3.5.4 of the Guidebook deals with is an applicant himself. But, again, this must not be taken literally as meaning that the objector and the applicant have to be one and the same institution. The institutions must not be identical as long as the interests and the community involved are.

25. This is confirmed by Module 3.2.2.4 of the Guidebook, which gives standing for a Community Objection only to an institution that has "not been established solely in conjunction with the gTLD application process". Because the possibility of applying for a new gTLD is new, and the operation of a new gTLD is a technically and logistically advanced and sophisticated business, for an established institution that represents an established community, the obvious choice is not to take on the task of operating this business itself but rather to delegate it to a new, technically and logistically properly equipped institution. In this situation, Module 3.5.4 of the Guidebook, if taken literally as requiring objector and applicant to be one and the same institution, would become irrelevant: the new institution, as applicant, could not object under Module 3.2.2.4 of the Guidebook and the old institution that could object, not being the applicant, could not argue that the community involved would be better served if its application were successful and it got the string rather than the other applicant. But Module 3.2.2.4 of the Guidebook is meant to become relevant and to steer the contention between two applicants, one a community-based applicant, the other a standard applicant, and the decision on whether the community-based applicant will serve the community involved well enough to win to the Community Priority Evaluation Procedure of Module 4.2.2 of the Guidebook.

26. So for Module 3.5.4 of the Guidebook, the objector, the established institution, and the applicant, the new institution, are to be treated as one entity under the following conditions: The objector and the applicant are intrinsically linked because they serve the same community, share the same interests, cooperate closely, and practice a division of labor under which the

objection comes from the established institution that has established ties to the community and knows and represents its interests plausibly and competently, while the application comes from the new institution charged with applying for a new gTDL and running it on behalf of the community.

27. In this case, if the arguments that the objector brings forward under the Community Objection Procedure of Module 3.5.4 of the Guidebook are the same that matter in the Community Priority Evaluation Procedure of Module 4.2.2 of the Guidebook, then they have to be dealt with under the latter procedure, and therefore cannot be regarded as material detriment under the Community Objection Procedure of Module 3.5.4 of the Guidebook.

28. ILGA and dotgay are not one and the same institution, but they are instrinsically linked. As described in ILGA's objection, the gay community, of which ILGA is the established representative, took leadership of the community application by dotgay, and dotgay advised, supported, and organized ILGA's community objection. ILGA, the established institution, and dotgay, the new institution, practice a division of labor under which they serve the gay community and pursue the same interests optimally.

29. ILGA argues that the gay community would be better served if dotgay's application were successful and dotgay got the string rather than TLD. It emphasizes the history, vitality, and strength of the gay community and how it is clearly defined and richly organized; the nexus between the string .gay and the gay community; the registration policies under which dotgay would operate the string .gay in the interest of the gay community; and the gay community's support for the operation of the string .gay by dotgay. These are the arguments that matter in the Community Priority Evaluation Procedure of Module 4.2.2 of the Guidebook.

30. The interplay between the Community Objection Procedure of Module 3.2.2.4 of the Guidebook and the Community Priority Evaluation Procedure of Module 4.2.2 of the Guidebook is intricate. The contention between two applicants, one a community-based applicant, the other a standard applicant, and the decision on whether the community-based applicant will serve the community involved well enough to win against the standard applicant, belong into the Community Priority Evaluation Procedure of Module 4.2.2 of the Guidebook. If the community involved could exclude the other applicant by using the Community Objection Procedure of Module 3.2.2.4 of the Guidebook, presenting an established institution as an objector, and presenting arguments that were not sufficient to win in the Community Priority Evaluation Procedure of Module 4.2.2 of the Guidebook, this procedure would be voided and kept from serving the purpose for which it is created.

31. One might consider dealing with the intricate interplay between the two procedures by requiring that the likelihood of material detriment to the legitimate interests of the community under Module 3.5.4 of the Guidebook were proven in a manner that would also fulfill the criteria of the Community Priority Evaluation Procedure of Module 4.2.2 of the Guidebook and, if that proof succeeded, allow the objection to prevail. The arguments that ILGA presents offer enough material to suggest that such criteria might well be fulfilled. But the Guidebook stipulates the Community Priority Evaluation as a different procedure before a different panel. This has to be respected.

32. So while the lost chance of operating its own string .gay, caused by TLD being delegated the string .GAY, might be regarded as a detriment to the legitimate interests of the gay community, under Module 3.5.4 of the Guidebook this detriment is not sufficient for a finding of material detriment and for ILGA's objection to be successful.

Decision

For all the above reasons and according to Article 21(d) of the Procedure, I hereby render the following Expert Determination:

1. ILGA's objection fails and is dismissed.

2. The Applicant TLD prevails.

3. TLD's advance payment of costs shall be refunded by the Centre to TLD.

16 November 2013

Prof. Dr. Bernhard Schlink, Expert

Annex 6-D

THE INTERNATIONAL CENTRE FOR EXPERTISE OF THE

INTERNATIONAL CHAMBER OF COMMERCE

CASE No. EXP/393/ICANN/10

THE INTERNATIONAL LESBIAN GAY BISEXUAL TRANS AND INTERSEX ASSOCIATION

(BELGIUM)

vs/

TOP LEVEL DOMAIN HOLDINGS LIMITED

(BRITISH VIRGIN ISLANDS)

This document is an original of the Expert Determination rendered in conformity with the New gTLD Dispute Resolution Procedure as provided in Module 3 of the gTLD Applicant Guidebook from ICANN and the ICC Rules for Expertise.

EXP/393/ICANN/10

THE INTERNATIONAL LESBIAN GAY BISEXUAL TRANS AND INTERSEX ASSOCIATION (BELGIUM)

vs.

TOP LEVEL DOMAIN HOLDINGS LIMITED (BRITISH VIRGIN ISLANDS)

Expert Determination

Objector

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Applicant

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Procedure

1. On 12 March 2013, The International Lesbian Gay Bisexual Trans and Intersex Association ("ILGA"), represented by the International Gay & Lesbian Travel Association ("IGLTA"), filed a Community Objection against the application by Top Level Domain Holding Limited ("TLDH"), represented by Minds + Machines for the string .gay. On 22 May 2013, TLDH filed its response. On 7 June 2013, I, Professor Dr. Bernhard Schlink, was appointed by the Chairman of the Standing Committee of the International Centre for Expertise ("Centre") of the International Chamber of Commerce ("ICC") as Expert in this matter.

2. On 4 July 2013, the Centre confirmed the full constitution of the Expert Panel, transferred the file to me and invited me to proceed with this matter. On 2 August 2013, I informed the parties that I had received the file and did not intend to invite additional submissions and did not consider holding a hearing. The parties did not submit any further submissions or statements nor did they request to be granted leave to submit additional submissions.

3. I proceeded with this matter in accordance with the Rules for Expertise of the ICC ("Rules"), supplemented by the ICC Practice Note on the Administration of Cases ("ICC Practice Note") under the Attachment to Module 3 of the gTLD Applicant Guidebook, New gTLD Dispute Resolution Procedure ("Procedure") of the gTLD Applicant Guidebook ("Guidebook") and Appendix III to the Rules.

4. The language of all submissions was English. All communications by the parties, the Expert Panel and the Centre were submitted electronically.

5. The Expert Determination was rendered to the Centre on 13 August 2013, *i.e.* within 45 days after receipt of the file transmitted by the Centre on 4 July 2013.

Summary of Parties' Positions

Objector's Position

6. ILGA presents itself as an established institution that has an ongoing relationship with the clearly delineated gay community, which ILGA writes capitalized as Gay Community. To demonstrate that it is an established institution that has an ongoing relationship with the gay community, ILGA documents that it is the only worldwide federation of more than 1000 lesbian, gay, bisexual, transgender and intersex national and local organizations in over 100 nations and on all five continents; that it has existed since 1978; that every two years it holds a world conference; that its many activities and particularly its fight against state-sponsored homophobia are covered in annual reports; and that it enjoys consultative status with the Economic and Social Council of the United Nations. To demonstrate that the gay community is a clearly delineated community, ILGA describes how a sense of community emerged among gay individuals in the early 20th century; how the Stonewall events in New York in 1969 triggered gay individuals around the world to experience themselves as part of a community; how since then more and more gay organizations sprout and provide the gay community with a network of cooperation, support, and services; and how the annual gay pride march demonstrates the unity, vitality, and strength of the gay community, which

includes all individuals whose gender identities and sexual orientations fall outside of the societal norms for heterosexual behavior.

7. ILGA claims substantial opposition from a significant part of the gay community to which the string .gay may be targeted. It describes how the gay community came to understand that it needs a voice inside the new generic top-level domain ("gTLD") program, how it took the lead on the community application by dotgay llc ("dotgay") for the string .gay, how this application has the support from ILGA and more than 150 gay community organizations, and that these same organizations also object to the application by TLDH for the string .gay.

8. ILGA argues that TLDH's operation of the string .gay would damage the gay community. According to ILGA, TLDH does not reach out to the gay community and does nothing to protect the gay community. Furthermore, TLDH's operation of the string .gay would usurp and exploit the name of the gay community, which these days includes lesbian, gay, bisexual, trans, queer, intersex people and allies. Taking a group's name and using it to create a profitable business should be regarded as exploitation, unless it is done for and endorsed by the community itself. TLDH would use the string .gay to generate profits that would not benefit the community. Its operation of the string .gay would make this gTLD available to all registrants for any purpose and any use with no restriction, thereby allowing for abuses of the domain name that might cause the gay community harm, for example from registrants masquerading as members of the community who in fact were anti-gay activists intending to use the registration for anti-gay purposes.

9. ILGA sees a major damage in the loss of opportunities for the gay community with the operation of the string .gay by TLDH. The operation of the string .gay under a non-gay community leadership and responsibility, and solely for profit, would not give the gay community the safety that it could enjoy from a gTLD under gay community leadership and responsibility. Registrants of TLDH's string .gay could not rely on other registrants being reliably gay, and people who approach registrants of TLDH's string .gay could not rely upon finding trustworthy gay businesses and enterprises, gay community programs and services. In addition, the operation of the string .gay under a non-gay community leadership and responsibility and solely for profit would not allow the gay community to assemble the funds and resources that it needs to support its programs and services.

10. In its objection, ILGA requests that TLDH "be forced to withdraw its application". Pursuant to Article 21 (d) of the Procedure, the Panel in its Expert Determination decides whether an objection is successful or dismissed; it cannot force an applicant to withdraw its application. Thus, ILGA's request that TLDH be forced to withdraw its application does not fall into the scope of the present proceedings.

Applicant's Position

11. TLDH challenges ILGA's standing. According to TLDH, the "so-called gay community" is not a clearly delineated community, because it is not a defined, hierarchically structured bloc with a leader or a group speaking for all its members. According to TLDH, ILGA is also not an established institution, because it has lost its consultative status with the Economic and Social Council of the United Nations in 1994.

12. TLDH further denies the material detriment to the legitimate interest of the gay community that ILGA sees likely to arise from TLDH's operation of the string .GAY – while applying explicitly for the string .gay, TLDH in its application also writes the gTLD for

which it applies in capital letters as .GAY. TLDH points out that it will provide a procedure that allows registrants to report content that they find inappropriate, harmful, or damaging to any person and especially to lesbian, gay, bisexual, transgender, and intersex people. By not placing restrictions on registration, TLDH claims to not harm the so called gay community but rather to protect lesbian, gay, bisexual, transgender, and intersex people against discriminatory registration policies. Because TLDH denies the existence of a gay community, it can see no need for the gay community to assemble funds and resources to support its programs and services and no harm in this need being unfulfilled.

Findings

13. Based on the submissions of the parties, ILGA has standing. To have standing the objector has to be an established institution associated with a clearly delineated community (Module 3.2.2.4 of the Guidebook), *i.e.* with a group that is publicly recognized as a community at a local and/or global level and has formal boundaries that enable a determination of what persons or entities form the community (Module 3.5.4 of the Guidebook, first test). The gay community is a clearly delineated community. It is publicly recognized as such in the language of the media, scholarship, and common usage, formed by millions of individuals whose gender identities and sexual orientations are outside of the societal norms for heterosexual behavior and who, whether they are more or whether they are less organized, share the awareness of their special status. During the last century, the gay community has grown out of individuals with that special awareness into a community in its own right and is now a worldwide presence. TLDH's notion of a community being a bloc with a hierarchical top down structure and one leader or speaker may suit a paramilitary organisation or a certain type of political party, but is far from characteristic for a community.

14. ILGA is a globally recognized institution, existing since 1978, organized around the cause of the gay community, fighting for the freedom to live and express one's gender identity and sexual orientation outside of the societal norms for heterosexual behavior without any discrimination. That ILGA has once lost its consultative status with the Economic and Social Council of the United Nations is irrelevant; it has regained this status. ILGA existed much prior to the new gTLD proceedings and its purpose is far broader than merely taking the role of objector in the present proceedings.

15. ILGA has also proven substantial opposition against TLDH's application for the string .gay (Module 3.5.4 of the Guidebook, second test). It has named more than 150 gay community organizations that support the community application by dotgay for the string .gay and also object to the application by TLDH for the string .gay. The strong association between the the string .gay and the gay community that ILGA represents (Module 3.5.4 of the Guidebook, third test) is obvious.

16. For an objection to be successful, the objector has to prove that the application creates a likelihood of material detriment to the rights or legitimate interests of a significant portion of the community to which the string may be explicitly or implicitly targeted; Module 3.5.4 of the Guidebook, fourth test, mentions as detrimental in particular damage to the reputation of the community, a failure of the applicant to act in accordance with the interests of the community, interference with the core activities of the community, impairment of the community's dependency on the Domain Name System ("DNS") for its core activities, and economic damage to the community.

17. ILGA has not proven that TLDH's application creates a likelihood of material detriment to the rights of a significant portion of the gay community, nor has it attempted to prove this. Instead, ILGA has attempted to prove a likelihood of material detriment to the legitimate interests of the gay community. To prove this, it would have been sufficient to prove the likelihood of damage to the reputation of the community, of a failure of the applicant to act in accordance with the interests of the community, of interference with the core activities of the community, of impairment of the community's dependency on the Domain Name System ("DNS") for its core activities, or of economic damage to the community (Module 3.5.4 of the Guidebook, fourth test). ILGA has argued that the gay community needs a gTLD, that is designed to serve the gay community and to operate accordingly. It should be a safe domain where registrants and users can rely on the fact that other registrants who present themselves as gay and as providers of programs, services, funds, and support for gay people are actually gay and trustworthy. The gTLD should be safeguarded against anti-gay registrants who want to use it as a tool for discrimination against the gay community. Furthermore the gTLD should not be operated only for profit, not even foremost for profit, but with the purpose of giving a fair share of the revenue back to the gay community for its needs and activities. To avoid these likely usurpations and exploitations the gTLD should be administered by the gay community itself.

18. With these assertions ILGA has not proven an interference with the gay community's core activities or an economic damage to the gay community that would result from TLDH's operation of the string .gay. Nor has ILGA proven that TLDH would not act in accordance with the interests of the community; all that is clear from ILGA's and also TLDH's assertions is that TLDH would not feel a particular responsibility towards the community but rather treat it and its members like any other user.

19. ILGA has shown that over the last century and particularly over the last decades the gay community has turned the name gay from a derogatory term into a respected name. Even though the name gay is not a legally protected name of the gay community, ILGA's concern, that the usurpation and exploitation of this name for naked profit making might make the gay community look like a community of customers and consumers rather than a community of people with a special identity and special concerns, may be understandable. But this feared adverse effect on the gay community's appearance would be far from a damage to the reputation of the gay community. In our capitalist world, each and every name is being used for profit making, and everybody is being targeted as a customer and consumer. The reputation of individuals and communities grows out of their qualities, engagements, and activities that transcend the level of profit making and being a customer and consumer.

20. ILGA has certainly demonstrated that the gay community depends on the DNS for its core activities. Within the DNS it depends on its own gTLD. TLDH's operation of the string .gay would not impair the gay community's core activities or economic situation or even reputation. But since the strings .gay and .gay, treated identically within the DNS, even if they are written differently, can not exist simultaneously, TLDH's operation of the string .gay would keep the gay community from promoting its core activities, improving its economic situation, and also enhancing its reputation by operating its own string .gay. It would also keep the gay community from operating its own string .gay with special mindfulness for the gay community's needs and interests. The interference that can be found in this is an interference less with what the gay community has than with what the gay community wants – its own gTLD. If TLDH would operate the string .gay, the gay community would be deprived of the chance to operate its own string .gay and to make manifold use of it.

21. The detriment that the gay community is threatened by is the loss of the chance to operate its own string .gay. Supported by ILGA and more than 150 gay organizations, dotgay filed a community application for the string .gay. If TLDH, rather than the gay community represented by ILGA as the objector and dotgay as the applicant, were granted the string .gay, the gay community would lose the chance to operate its own string .gay. This loss of the chance to operate its own string .gay might be regarded as a detriment to the legitimate interests of the gay community. But Module 3.5.4 of the Guidebook clarifies that this detriment alone is not sufficient for ILGA's objection to be successful.

22. Module 3.5.4 of the Guidebook states that "an allegation of detriment that consists only of the applicant being delegated the string instead of the objector will not be sufficient for a finding of material detriment". This cannot be taken literally as referring to a situation in which the objector's one and only argument is that it, in its role as applicant, should get the string rather than the other applicant; no objector would argue in such a reductionist way. It can only refer to a situation in which the objector argues that the community involved would be better served if its application were succesful and it got the string rather than the other applicant. The logic behind the quoted Module 3.5.4 of the Guidebook is that the Guidebook stipulates a different procedure for the contention between two applicants, one a community-based applicant, the other a standard applicant, and the decision on whether the community-based applicant will serve the community involved well enough to win against the standard applicant. That procedure is the Community Priority Evaluation Procedure of Module 4.2.2 of the Guidebook.

23. The objector that the above quote of Module 3.5.4 of the Guidebook deals with is an applicant himself. But, again, this must not be taken literally as meaning that the objector and the applicant have to be one and the same institution. The institutions must not be identical as long as the interests and the community involved are.

24. This is confirmed by Module 3.2.2.4 of the Guidebook, which gives standing for a Community Objection only to an institution that has "not been established solely in conjunction with the gTLD application process". Because the possibility of applying for a new gTLD is new, and the operation of a new gTLD is a technically and logistically advanced and sophisticated business, for an established institution that represents an established community, the obvious choice is not to take on the task of operating this business itself but rather to delegate it to a new, technically and logistically properly equipped institution. In this situation, Module 3.5.4 of the Guidebook, if taken literally as requiring objector and applicant to be one and the same institution, would become irrelevant: the new institution, as applicant, could not object under Module 3.2.2.4 of the Guidebook and the old institution that could object, not being the applicant, could not argue that the community involved would be better served if its application were successful and it got the string rather than the other applicant. But Module 3.2.2.4 of the Guidebook is meant to become relevant and to steer the contention between two applicants, one a community-based applicant, the other a standard applicant, and the decision on whether the community-based applicant will serve the community involved well enough to win to the Community Priority Evaluation Procedure of Module 4.2.2 of the Guidebook.

25. So for Module 3.5.4 of the Guidebook, the objector, the established institution, and the applicant, the new institution, are to be treated as one entity under the following conditions: The objector and the applicant are intrinsically linked because they serve the same community, share the same interests, cooperate closely, and practice a division of labor under which the objection comes from the established institution that has established ties to the community

and knows and represents its interests plausibly and competently, while the application comes from the new institution charged with applying for a new gTDL and running it on behalf of the community.

26. In this case, if the arguments that the objector brings forward under the Community Objection Procedure of Module 3.5.4 of the Guidebook are the same that matter in the Community Priority Evaluation Procedure of Module 4.2.2 of the Guidebook, then they have to be dealt with under the latter procedure, and therefore cannot be regarded as material detriment under the Community Objection Procedure of Module 3.5.4 of the Guidebook.

27. ILGA and dotgay are not one and the same institution, but they are intrinsically linked. As described in ILGA's objection, the gay community, of which ILGA is the established representative, took leadership of the community application by dotgay, and dotgay advised, supported, and organized ILGA's community objection. ILGA, the established institution, and dotgay, the new institution, practice a division of labor under which they serve the gay community and pursue the same interests optimally.

28. ILGA argues that the gay community would be better served if dotgay's application were successful and dotgay got the string rather than TLDH. It emphasizes the history, vitality, and strength of the gay community and how it is clearly defined and richly organized; the nexus between the string .gay and the gay community; the registration policies under which dotgay would operate the string .gay in the interest of the gay community; and the gay community's support for the operation of the string .gay by dotgay. These are the arguments that matter in the Community Priority Evaluation Procedure of Module 4.2.2 of the Guidebook.

29. The interplay between the Community Objection Procedure of Module 3.2.2.4 of the Guidebook and the Community Priority Evaluation Procedure of Module 4.2.2 of the Guidebook is intricate. The contention between two applicants, one a community-based applicant, the other a standard applicant, and the decision on whether the community-based applicant will serve the community involved well enough to win against the standard applicant, belong into the Community Priority Evaluation Procedure of Module 4.2.2 of the Guidebook. If the community involved could exclude the other applicant by using the Community Objection Procedure of Module 3.2.2.4 of the Guidebook, presenting an established institution as an objector, and presenting arguments that were not sufficient to win in the Community Priority Evaluation Procedure of Module 4.2.2 of the Guidebook, this procedure would be voided and kept from serving the purpose for which it is created.

30. One might consider dealing with the intricate interplay between the two procedures by requiring that the likelihood of material detriment to the legitimate interests of the community under Module 3.5.4 of the Guidebook were proven in a manner that would also fulfill the criteria of the Community Priority Evaluation Procedure of Module 4.2.2 of the Guidebook and, if that proof succeeded, allow the objection to prevail. The arguments that ILGA presents offer enough material to suggest that such criteria might well be fulfilled. But the Guidebook stipulates the Community Priority Evaluation as a different procedure before a different panel. This has to be respected.

31. So while the lost chance of operating its own string .gay, caused by TLDH being delegated the string .gay, might be regarded as a detriment to the legitimate interests of the gay community, under Module 3.5.4 of the Guidebook this detriment is not sufficient for a finding of material detriment and for ILGA's objection to be successful.

Decision

For all the above reasons and according to Article 21(d) of the Procedure, I hereby render the following Expert Determination:

1. ILGA's objection fails and is dismissed.

2. The Applicant TLDH prevails.

3. TLDH's advance payment of costs shall be refunded by the Centre to TLDH.

16 November 2013

Prof. Dr. Bernhard Schlink, Expert

Annex 7-A

Sydney Morning Herald (Australia)

February 12, 2000 Saturday
Late Edition

More than just Mardi Gras

BYLINE: Dominic O'Grady

SECTION: TRAVEL; Pg. 7

LENGTH: 542 words

I HAVE 210 lesbians coming in March, and they definitely did not want to come during the [Sydney **Gay** & Lesbian] Mardi Gras," says Lynne Hocking, the director of the **gay** and lesbian travel agency Destination DownUnder, and an adviser to Mardi Gras' own travel business, Mardi Gras Travel.

While it's clear the Sydney **Gay** & Lesbian Mardi Gras draws substantial number of queer tourists - estimated at 5,000 and expected to grow a further 10 per cent this year - Hocking's booking for March next year illustrates the fact that **gay** and lesbian tourism stretches beyond the obvious.

"We're expecting 2000 to be big," she says. "2001 will probably show no growth, and come 2002 people will have to make a serious decision about whether they come here for Mardi Gras or for the **Gay** Games."

Internationally and locally, **gay** and lesbian travellers can choose from a huge range of options: skiing in Canada, game watching in Africa, partying in Amsterdam, wine tasting in the Hunter, relaxing on a beach in Fiji, or cruising South Australia's Great Ocean Road. These are just a few of the choices regularly advertised in the **gay** and lesbian media.

And a quick glance at the 1999 **Gay** and Lesbian Accommodation Guide to Australia reveals 46 pages of listings for queer tourists, covering capital city hotels, coastal resorts and a network of B&Bs that dot the countryside.

Search the Internet, and the choice is mind-boggling.

Fancy a week in Key West's "premier **gay** complex"? Try New Orleans House, which bills itself as the "largest **gay** complex in South Florida". What about London accommodation? Check out the Clone Zone apartments in Brompton St. Maybe you're looking for a "clothing optional" resort in Acapulco? Try Las Palmas (www.acapulco-laspalmas.com).

"It's a growing market," says Rosemary Hopkins, the Australian regional director of the International **Gay** and Lesbian Travel Association (**ILGTA**).

"Eighteen months ago we set up the first international branch of **ILGTA** in Sydney, and we've grown from 25 members to 120 members in that time."

Both Hopkins and Hocking note the high level of Internet use among **gay** and lesbian travellers. Mardi Gras Travel (www.mardi gras.com.au), for example, does not produce printed brochures. Instead, it relies on Internet traffic and the fact that 69 per cent of its 13,000 members say they are regular Internet users.

The possibilities have not escaped other travel providers, such as travel.com.au which includes **gay**- and lesbian-specific information on its site, as well as a weekly **gay** and lesbian travel newsletter for members.

So why does **gay** and lesbian travel exist?

"I think we fall into three categories," says **ILGTA's** Hopkins. "There are those of us that would hate to go to a **gay**-only or lesbian-only resort. They could probably think of nothing worse.

"There's another group that prefer to be with their own, and love the idea of a **gay**- or lesbian-only holiday.

"The majority of us, I think, fall somewhere in the middle. We choose where we want to go because of the location, what it offers, and because it's **gay**-friendly.

"I don't know how else to put it. It's like if you were a tennis fanatic and you were considering going somewhere for a holiday, but there's no tennis courts nearby. You're not going to go there."

LOAD-DATE: July 24, 2007

LANGUAGE: ENGLISH

GRAPHIC: Illus: Photograph courtesy of AUSTRALIAN TOURIST COMMISSION

PUBLICATION-TYPE: Newspaper

2 of 6 DOCUMENTS

The Globe and Mail (Canada)

June 21, 2014 Saturday
Ontario Edition

HUMAN RIGHTS;
The voices of World Pride

BYLINE: Sean Tepper

SECTION: GLOBE T.O.; Pg. M4

LENGTH: 1659 words

HIGHLIGHT: In China, most LGBT people 'choose to stay in the closet.' In Uganda, an anti-**gay** law 'makes your entire being illegal.' Close to two million people from around the world are expected to take part in North America's first WorldPride, a 10-day celebration with dozens of events across the city. At the festival's core is the fight for equality. Activists coming here for the

WorldPride Human Rights Conference, taking place at the University of Toronto this week, talk to Sean Tepper about what it's like to be a member of the LGBT community in their countries.

King Oey

Indonesia

Mr. Oey is one of the founders of Arus Pelangi (Rainbow Flow), the first organization to advocate for LGBT rights in Indonesia.

Being **gay** often means that you can be quite alone in life until you can meet up with other **gays.** That makes it so meaningful to have this type of conference [the WorldPride Human Rights Conference]. It's not just to socialize, but to be part of a global movement. We're all working at the same time together for a better life in each country.

It's particularly difficult in Indonesia because it is a Muslim country, and there is a very strong bias against homosexuality. A lot of people have to carry this burden of guilt of being abnormal. And for us, one of the main [goals] is to bring understanding to LGBT people that they are not messed up, that they are not wrong, that they're just healthy, normal people who just happen to have a different sexual orientation. We are also working toward better, more LGBT friendly policies from the government.

Indonesia doesn't have laws that criminalize us directly ... but we do have this societal bias, this stigma, against LGBT people, which is mainly a thing of the religious people. It's particularly difficult because you have to face condemnation from your parents and your family in the first place, the people that you would expect to really understand you and give you support. Unlike other minorities, we don't get that support from our family, which is the number one adversity that you have to face. That makes it so difficult.

[In Canada], we can have at least a taste of what real freedom is in a country that really respects LGBT people, so we can also learn from all the different types of expressions that you can have without fearing the repercussions. But it's also partly academic. [In Toronto], I hope to get new learning on how to do things better.

Dandan Zhang

China

*The executive director of Chinese Lala Alliance, a lesbian leadership group in China. Ms. Zhang is also on theInternational Lesbian and **Gay** Association board, aworldwide network of LGBT groups.*

My organization got registered in Hong Kong and I am now working in Hong Kong, but I come from mainland China. In China, things are different between **LGBTI** [Lesbian, **Gay,** Bisexual, Transsexual and Inclusive] people in big cities and those in small cities. In big cities, it's easier for **LGBTI** people to be accepted by friends and colleagues, so more and more **LGBTI** young people leave their hometown and live in big cities to [live] their lifestyle.

But it's still hard for most **LGBTI** people to come out to their families no matter where they are, since we have a close connection with our parents and have to deal with huge marriage pressure. That's why more and more fake marriages between lesbians and **gays** appear.

In Hong Kong, the whole society has been deeply influenced by conservative Christian [values] and all public **LGBTI** issues were attacked by religious groups. Although several famous **LGBTI** people came out in the past two years and spoke for **LGBTI** communities, the anti-**LGBTI** groups grew very quickly. This May, the religious groups held a parade, hoping to fight for the traditional value of marriage.

Most **LGBTI** people choose to stay in the closet since they are not sure if they can be accepted.

Our government never supports **LGBTI** issues in public or in any regulations or laws. **LGBTI** communities are not mentioned in most existing laws or regulations. There are only two regulations that mention **LGBTI** issues: One is that **LGBTI** issues are forbidden [to

appear] in mainstream media, and the other says that **gays** are not allowed to donate blood.

Canada always gives people, especially those in Chinese-speaking society, an impression about its open attitudes towards **LGBTI** issues. So I think Canada is suitable to host a WorldPride.

Azusa Yamashita

Japan

*Co-secretary of the International Lesbian & **Gay** Association **(ILGA)**. Ms. Yamashita is also co-director of **Gay** Japan News, Japan's online **LGBTI** news source and advocacy group.*

[In Japan] different **LGBTI** people have different experiences. Some **LGBTI** people are happy about who they are and have what they want - a partner, family, house, job, money, education (except legal protection and recognition.)

Other **LGBTI** people have difficulty accepting themselves and don't have what they want.

Being **LGBTI** in Japan is to fight against stigmatization, invisibility, discrimination, violence, and isolation. In Japan, there is a law that allows some transgender people to change their genders on a legal identity card. Equal Employment Opportunity Law bans sexual harassment at work, including harassment against **LGBTI** workers. Other than these laws, Japanese **LGBTI** people aren't legally protected from violence and discrimination or guaranteed basic rights. We have no anti-discrimination law inclusive of sexual orientation and gender identity. Gender-change law requires sterilization. Anti-domestic violence law is exclusive of same-sex partner violence.

In Japanese culture, "harmony" is respected. "Harmony" means not to stand out or not to "bother others." If you are different from the majority, it's likely that people would think you're "not normal" or "bothering other people" and can be isolated in a group (group can be your family, classmates, colleagues or neighbours). In schools, we're taught to respect this harmony instead of being taught about diversities of sexualities. In the media, while queer figures are popular in many TV programs, you see them mocked or laughed at. So, generally speaking, it is still hard in Japan for **LGBTI** people to get positive messages that it's okay or safe to be **LGBTI**.

In 2004-05, I lived in Edmonton as an exchange student for a year. I could have picked China, Germany, or Britain but I chose Canada because I knew Canada was moving toward legalization of same-sex marriage at that time. I wanted to feel the atmosphere around the discussion. I was fascinated by how tolerant, open and equal Canada has become towards people of differences.

Johanna Sigurdardottir

Iceland

*Elected in 2009, the former prime minister of Iceland was the world's first openly **gay** female head of government.*

In the late 1970s, Icelandic society was radically different from the way it is today. Only a handful of Icelanders had come out of the closet and many of them had subsequently moved abroad, as it was very difficult to be "different" in our small society. Thus, most people did not know anyone who was openly homosexual and, therefore, honestly thought that there were hardly any queer people in our country. There were no laws to protect the human rights of LGBT people - indeed, nobody had even heard the term transgender in those days.

Through relentless work and great self-sacrifice [LGBT leaders] along with some progressively thinking heterosexuals, managed to inform people about LGBT issues and change the attitude of a whole society. And gradually more and more homosexual, bisexual and transgender Icelanders started to come out.

Today it would be hard to find an Icelander who doesn't have an LGBT person in their family, in their circle of friends or as a colleague at work. And as prejudice thrives on the unknown, it tends to evaporate when you get to know someone from a group you had preconceptions and perhaps some misgivings about.

That is how Icelandic society had evolved when I became prime minister in 2009, and the fact that I have a same-sex partner was absolutely no issue here.

I think it is the duty of progressive countries such as Canada and Iceland, along with other Western societies, to try to inform people around the globe about LGBT issues. It is difficult to stand by and do nothing while queer people in many countries are punished or even executed, simply for having been born with feelings that ignorant, brutal leaders deem "wrong." Information is the key to opening people's eyes and changing attitudes, as we have seen so clearly in Iceland.

Richard Lusimbo

Uganda

*Ugandan activist and the research manager for Sexual Minorities in Uganda, an LGBT rights organization based in Uganda. In February, Uganda's president signed a controversial anti-**gay** bill that imposes harsh penalties for homosexuality, including life in prison.*

Having a law that criminalizes the work you are doing makes it difficult. Living in a very autocratic society that is filled with a lot of biased information, and a media that is not objective, makes everything very difficult. Once your life is at stake, when you get to work you don't know whether your offices will be open the following day, or if you're going to be raided the next minute or not, because of all these threats from the government. [And] then losing your privacy to the media [you] wake up one morning and find your face on the front page [of a tabloid] with very misleading headlines like 'How I became homo' and headlines like 'Exposed **gays.**'

There's a lot of insecurity at times when you leave your community, because every time you appear in the media, you lose your entire life. You can't go shopping for groceries or even use public transport because you're trying to protect yourself and your face from being abused or beaten up.

[The law] makes your entire being illegal ... so life really becomes difficult. The government provides no security for us. The government is not supportive of the community because the government is full of people who are biased, who believe that LGBT people are recruiting young children. They're claiming ... that they're protecting African values and children who are being recruited into homosexuality.

We've seen [recently] that Canada, and Toronto in particular, is a society that has been very accommodating of their LGBT community. [In Toronto] we can celebrate who we are, but we can also have a proper dialogue without fear of being scared that the government or the police are going to raid everything.

As told to Sean Tepper

These interviews have been condensed and edited

LOAD-DATE: June 21, 2014

LANGUAGE: ENGLISH

PUBLICATION-TYPE: Newspaper

3 of 6 DOCUMENTS

Cyprus Mail

June 1, 2014 Sunday

'All different, all equal'

LENGTH: 1084 words

By Evie Andreou

THOUSANDS of people participated in the island's first **gay** pride parade in Nicosia yesterday in a show of public support marred only by a couple of minor incidents.

Smoke bomb goes off

As the **LGBTI** community, joined by other groups and families gathered at Nicosia's Eleftheria Square around 5pm someone threw a smoke bomb into the crowd.

Also an anti-**gay** gathering led by clerics held a counter protest near Ochi Square, and in a third incident a man jumped out of nowhere into the parade at Solomou Square attacking a group of men on their way to Eleftheria Square carrying the distinctive rainbow flag.

Man attacks participants

They managed to stop him however and he was subsequently arrested. None of the incidents managed to derail the festivities.

A little after 5pm the head of ACCEPT-**LGBTI,** which organised the parade, Costas Gavrielides, addressed the crowd, which was growing by the minute from hundreds to thousands. He thanked everyone who supported the movement and the Festival and for showing their support for **LGBTI** rights.

Gavrielides also thanked the Turkish Cypriot **LGBTI** association KUIR Cyprus and assured them of ACCEPT's support in order to fight the prejudice against ten per cent of the island's population.

He argued that human rights and EU Conventions could not be cherry-picked but should apply to all and that the **LGBTI** community in Cyprus is claiming just that - their human rights. "The right to diversity is not negotiable," he said.

He also said that Cyprus falls behind when it comes to **LGBTI** legal rights and he asked the political parties to take action and keep their pre-election promises on the relevant legislation regarding the status of **LGBTI** persons in Cyprus. He said Cypriot society was finally coming of age and that 53 per cent of Cypriots now accept the notion of homosexual couples.

Gavrielides said that he hoped political parties would be their side when the time came for them to hand over their signatures on the relevant laws, which prompted some laughter and applause from the crowd.

Present also were representatives from International Lesbian, **Gay,** Bisexual, Trans and Intersex Association **ILGA** Europe, the Turkish Cypriot organisation KUIR Cyprus, representatives of the political parties AKEL, DISY, DIKO, EDEK, the Green Party, United Democrats and Drasy-Eylem, among them former president Giorgos Vassiliou.

"**ILGA** Euope is extremely happy to be here today, it is a historic day for the LGBT movement in Cyprus, it is actually the success of

the community here to have this made happened and we hope that this is just the beginning of much more progress in terms of recognition and acceptance," said Executive director of **ILGA** Europe Evelyn Paradis.

Mingling in the crowd and holding the pride flag was Cyprus' first **gay** activist Alecos Modinos who battled for years to have homosexuality decriminalised. "I am thrilled and I am certain that things will change, they already have. I hope our politicians will dare as they should and that the state will make the right moves for equality and social tolerance," he said.

Also present were many people who travelled to Cyprus just for the parade.

"Things are changing slowly through education and struggle. We all are different and everyone is equal regardless of race, gender and sexual preference," said Nicolas Petrou, a US resident who travelled to Cyprus especially.

"I feel very proud and I came from Greece just for the parade. I am very happy that Cyprus' **LGBTI** community has managed to orchestrate this event," said another participant who gave his name as Nireas.

Cypriots also gathered to show their support and to prove their tolerance and acceptance.

"The presence of all these people here signifies that things have changed a lot. I hope our society becomes more tolerant and more liberal," said Christodoulos Kallinos.

"Everyone should support equality. This is the first Cyprus Pride Parade and we need to show our support. It is very positive that there are here many straight people supporting the cause" said Christina Serof.

Participants expressed satisfaction with the turnout.

"I feel very liberated. It's amazing to see the colours, the love, so many people to support this cause; and it's not just about LGBT only, it also has to do with diversity, about any other people who are different. It is a positive fact that there has been so much discussion of the Pride Parade in Cyprus and abroad because the more you talk about it, the more chance we have for a change" said Fatima Islam

"I feel very proud for all my compatriots who managed to be here today, I know it took a lot of courage for some to be here and I hope that next year more people will have the courage to show up. I hope it will be understood what kind of march this is and for what reason is happening," said Xenia Georgiou

Anna Vissi

The crowd went delirious when the popular Cypriot singer Anna Vissi addressed them.

Vissi said that she came to the event with a lot of love and to consciously support the island's first Pride Parade.

She said she has learned to respect people for their value, kindness, honesty, dignity and not how they chose to love and be loved and that everyone has in common their equal rights in love, in everyday life.

"Don't hate what you don't understand," she said quoting John Lennon.

After Vissi's speech, Gavrielides declared the commencement of the Parade which would lead to up the Parliament. After the march, a party followed at the Nicosia Municipal Garden from where Madonna, the Beach Boys and other popular music could be heard blaring over the city centre. There were DJ sets by Cotsios o Pikatillis of the Afro-Banana Republic crew followed by a spectacular, full-blown show by international artist A Man To Pet.

The parade was highlight of the first Cyprus Pride Festival's two-week celebrations organised by ACCEPT-LGBT Cyprus which aimed at the promotion of equal rights for everyone, and the increase in visibility of LGBT people as full members of society.

To celebrate, the US Embassy also flew the rainbow flag yesterday and several staff members from the embassy participated in the

parade.

The festival held under the auspices of Nicosia Mayor Constantinos Yiorkadjis.

During the festival there were film screenings, discussions, book readings, a theatre play, a human library and art events.

The parade took place 16 years after homosexuality was finally decriminalised in Cyprus.

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Belfast Telegraph Online

May 15, 2014 Thursday 3:15 PM GMT

Rainbow nation: Where is the best place for LGBTI rights in Europe? UK in number one while the Republic of Ireland lags far behind - survey

BYLINE: By Antonia Molloy

SECTION: WORLD

LENGTH: 445 words

The UK has been ranked number one in Europe for **LGBTI** rights - while Ireland lags far behind much of the rest of the continent.

Click here to see the the full Rainbow Europe map

The Rainbow Europe survey, carried out by the International Lesbian, **Gay,** Bisexual, Trans and Intersex Association (**ILGA)**, named the UK the best out of 49 countries in terms of legislation and policies that have a "direct impact on the enjoyment of human rights by

LGBTI people".

With a tally of 82%, the UK scored highly across six categories: equality and non-discrimination; family; bias motivated speech/violence; legal gender recognition; freedom of assembly, association and expression; and asylum.

But the Republic of Ireland, lags far behind - scoring just 34% in the survey. It finished in 22nd place - just behind th Czech Republic

The UK result marks a five per cent increase since last year's survey, helped in particular by marriage equality legislation, which saw the first same-sex couples tie the knot in March.

Belgium was in second place, with a score of 78%, followed by Spain with 73%. The Netherlands, Norway and Portugal came in joint fourth place with 70%, while Sweden, France and Iceland completed the top five with equal scores of 65%.

Unsurprisingly, Russia was revealed to be the worst place for **LGBTI** people to live, scoring just six per cent. It was closely followed by Monaco, Armenia and Azerbaijan with joint scores of 10%.

Launched to mark the International Day against Homophobia and Transphobia on May 17, the survey showed that the European average for **LGBTI** rights stands at 36% - with the average for EU countries only slightly higher at 46%.

But vast improvements were seen in Malta, which had a score 22 points higher than in last year's survey, and Montenegro, which was up by 20 points.

However, the report's authors stressed that discrimination against **LGBTI** people continues to occur all across Europe. It also highlighted concerns regarding new anti-**gay** legislation, including Russia's law banning **gay** "propaganda".

Gabi Calleja, co-chair of **ILGA**-Europe's executive board, said: "**ILGA**-Europe's 2014 edition of its Rainbow Europe package shows that while the human rights of **LGBTI** people have undoubtedly gained great visibility across Europe, progress in terms of real legal, political and social changes vary considerably from one country to another, in large part depending on levels of societal acceptance, of political leadership and political will, as well as the strength of civil society in a given country."

For a full breakdown of the survey, click here.

Source: Independent

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5 of 6 DOCUMENTS

European Voice

July 22, 2013

More progressive abroad than at home

LENGTH: 699 words

HIGHLIGHT: The EU's guidelines on the rights of sexual minorities abroad should be followed by more action at home, writes Silvan Agius

On 24 June, the European Union's Council of Ministers adopted a ground-breaking foreign-policy document entitled "Guidelines to promote and protect the enjoyment of all human rights by lesbian, **gay,** bisexual, transgender and inter-sex (**LGBTI**) persons". These guidelines, drawn up by the European External Action Service (EEAS) are a comprehensive, legally binding document that instructs European Union institutions and member states on how to help progress the rights for **LGBTI** people when dealing with third countries and in international forums. These guidelines replace the non-binding 'toolkit' adopted in 2010, they include references to the human rights of inter-sex people, and enhance the scope. They call for actions to combat discriminatory laws and policies; combat **LGBTI**-phobic violence; and promote equality and non-discrimination. In short, the EU now has a state-of-the-art framework for the promotion of greater recognition of **LGBTI** human rights internationally. This is an extraordinarily fast-paced development and deserves to be praised.

Unfortunately, the same cannot be said about the EU's internal policy. The need to combat discrimination based on sexual orientation was included in the Treaty of Amsterdam in 1997, and in three different cases since 1996 the European Court of Justice has clarified that EU gender-equality legislation also applies to transgender people. Despite this, the EU continues to be slow in developing its legal package on **LGBTI** people's human rights, and does not yet have a coherent internal policy framework on **LGBTI** issues. More worryingly, the European Commission has dismissed as unnecessary a call backed by nearly half the member states for the development of an **LGBTI** equality roadmap. Current "actions" are said to be "making LGBT rights a reality", the Commission says.

The contradiction between external and internal policy has never been more conspicuous. The adoption of the external-policy guidelines has highlighted the need for an equally robust internal policy framework. Unless the EU acts accordingly, it will not be taken seriously by the third countries that the guidelines address.

On 17 May, the EU's Fundamental Rights Agency published the results of a survey that found that discrimination against LGBT people remains rampant in all member states. About 25% of the 93,000 respondents said they had been attacked or threatened with violence in the past five years. Many continue to live in fear of hate and discrimination; 67% of the respondents across all EU member states were scared of holding hands in public with their same-sex partner.

Viviane Reding, the European commissioner for fundamental rights, who commissioned the report in 2010, welcomed the report, but she promised no new targeted action by the Commission. A 'roadmap' is already in place, and she has acted consistently against homophobia and transphobia, she told the European Parliament's civil-liberties committee on 19 June. She claimed that her 'roadmap' has "three pillars": legislative proposals and initiatives; enforcement of EU law; and assistance to NGOs.

But if the Commission really had such a 'roadmap' in place, why has it been so shy about publishing it? The EU has clear strategies on gender, disability and Roma integration, and they are all public.

And how are the EU internal policy "actions" addressing abuses? The Fundamental Rights Agency survey is clear on problems of bullying in schools, of legal recognition for transgender people and access to healthcare. Moreover, some EU member states - notably

Lithuania, Hungary and Romania - have witnessed a surge of homophobia and transphobia in the discourse of politicians. In Greece, police have targeted and rounded up transgender people.

This is not to point the finger at the European Commission. Rather, we are acknowledging the fast progress made by the EEAS and the excellent guidelines that it has adopted and the need for the EU's internal policy to match that commitment. The guidelines have shown that where there is the will, there is a way.

Silvan Agius is the policy director of **ILGA**- Europe, a group representing lesbian, **gay,** bisexual, trans and intersex people in Europe.

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PUBLICATION-TYPE: Newspaper

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THE IRISH NEWS
The Irish News

October 22, 2012 Monday

Gay marriage should be civil right says tanaiste

BYLINE: David Young

SECTION: Pg. 14

LENGTH: 372 words

Ireland's journey toward creating a society fully tolerant of the **gay** community is still not complete, the tanaiste said yesterday.

Eamon Gilmore said attitudes were almost unrecognisable to those that prevailed a generation ago but that more progress was needed.

Addressing the European region's annual International Lesbian, **Gay,** Bisexual, Trans and Intersex Association (**Ilga**) conference in Dublin, Mr Gilmore reaffirmed his support for the acknow-ledgment of **gay** marriage by the state.

"That **Ilga** Europe should choose our capital city, Dublin, for this conference is a source of pride for us," he said.

"This city and this Republic have been on their own remarkable journey in relation to the rights of Lesbian, **Gay,** Bisexual, Trans and Intersex (**LGBTI**) persons.

"There is a generation of young Irish people for whom the Ireland of 20 or 30 years ago would be almost unrecognisable.

"Thousands of young **LGBTI** persons who in the past would have felt the need to live elsewhere have opted to stay in Ireland.

"And by doing so they have enriched the country and made it a more tolerant place.

"Many in public life have emerged as role models for young **LGBTI** people and in recent years civil partnership ceremonies have been occasions of great celebration around the country.

"That journey is still incomplete. As I have stated elsewhere, the right of same-sex couples to marry is not a **gay** rights issue. It is a civil rights issue and one that I support.

"The question of same-sex marriage is one that will be considered by our forthcoming constitutional convention. This is an innovation in Irish democracy where citizens and public representatives will come together to consider what changes might be made to our constitution so that it better reflects not just the society we are now but the society we aspire to."

The conference was attended by delegates from 42 European countries.

Dublin conference chairman Tiernan Brady said: "The tanaiste's presence at the conference is a remarkable symbol of the progress that has taken place in Ireland.

"The tanaiste's presence sent a powerful message of hope to those delegates coming from countries where **LGBTI** people are under daily threat and where opportunities for progress are very limited."

LOAD-DATE: October 22, 2012

LANGUAGE: ENGLISH

PUBLICATION-TYPE: Newspaper

Annex 7-B

The Times of India (TOI)

June 17, 2012 Sunday

Acceptance is key: Families of gay youth

SECTION: CHENNAI

LENGTH: 352 words

CHENNAI: Sameer Ghunakikar told his father he was gay about 12 years ago. But he felt his coming out journey had come to an end on Saturday when his father Vinayak stood in front of an audience and spoke about accepting Sameer's sexual orientation for the first time.

"When I called him from the US and told him, his reaction was positive. He said I should never have an inferiority complex because of who I am," said Sameer. "Today, so many years later, I find it touching that he is speaking to the public about need for families to support their children."

Vinayak and Sameer were speaking at a panel discussion on 'Family acceptance of LGBTQIA Youth' on Saturday. It was organized by Goethe-Institut /Max Mueller Bhavan, Chennai LGBT Groups, Orinam and Chennai Dost as part of the ongoing LGBT (Lesbian Gay Bisexual Transgender) Pride month celebrations.

"I am proud of my son and confident he will lead a happy life," said Vinayak. "I want to tell other parents that our children didn't choose their sexual orientation and we need to accept them."

Chennai has been celebrating Pride month since 2009 and it has brought about a change in attitudes, said Magdalene Jeyarathnam, director, Center for Counselling. "In the last three years, more parents of LGBT people have been approaching counsellors," she said. "Parents take time to understand the issues and community members need to understand that." It is important for parents to be connected with others like them so they don't feel isolated, she added.

Human rights lawyer Sudha Ramalingam spoke about the need to scrap Section 377 of the IPC, which criminalises homosexuality. "We need to accept them so that we don't lose valuable lives since many LGBT youth commit suicide."

As the evening wore on, people from the audience also shared their experiences. "My mother is a trans- person and she spoke about it only after I came out to her as a lesbian," said Sumathi, 40, a Bangalore-based musician. "She has accepted me and is my best friend. Family acceptance is essential because you get unconditional support from them."

Times-News (Burlington, North Carolina)

Distributed by McClatchy-Tribune Business News

April 26, 2013 Friday

Elon trustees decide Chick-fil-A can stay

BYLINE: Steve Huffman, Times-News, Burlington, N.C.

SECTION: STATE AND REGIONAL NEWS

LENGTH: 803 words

April 26--ELON -- Members of the Elon University board of trustees have decided that Chick-fil-A can remain on campus.

The decision was announced Thursday in a lengthy email sent to students, faculty and staff. The restaurant chain has been at the center of controversy since last summer when Dan Cathy, the company's chief operating officer, made public statements supporting the traditional family and speaking against same-sex marriage.

Protests -- both in opposition to and in support of the chain -- followed at numerous locations. At Elon, members of the student government association voted to kick Chick-fil-A off campus. The president of the student association vetoed the vote. SGA members tried to overturn the veto, but didn't have the votes.

At Elon, opponents of the company criticized its president, Truett Cathy, for his opposition to gay marriage and contributions through Winshape, its charitable wing, to organizations that some describe as anti-gay.

According to Thursday's email, three factors went into making the decision to permit the restaurant to remain at Elon. They include:

-- Elon's food service contract is with Aramark (not Chick-fil-A) and staff members serving Chick-fil-A food at Elon are Aramark employees protected by a non-discrimination policy similar to Elon's.

"There has been no evidence of discrimination or complaints about service at Chick-fil-A on our campus," the board email reads.

-- Board members said they're reluctant to put the university in a position of monitoring or making value judgments about the lawful philanthropic giving of vendors or related organizations.

"Removing Chick-fil-A solely on the basis of the owners' stated views or their lawful philanthropic choices would stand in opposition to Elon's mission statement, which encourages freedom of thought and liberty of conscience," the email reads.

-- Circumstances regarding Chick-fil-A have changed since last summer.

"Chick-fil-A, its owners and the Winshape Foundation have modified previous positions and stepped away from taking political stands on gay rights issues," the email continues.

According to the board, considerable work went into making the decision outlined in Thursday's email. The university appointed a 15-member Vendor Policy Study Committee that included students, faculty, staff, trustees and alumni.

"Given our commitment to student engagement and our respect for human differences, we saw great value in taking time to study the issues, dig deeper into the facts, understand differing points of view and weigh the evidence and opinions expressed by hundreds of stakeholders," the email reads.

It stated the board's conviction to uphold Elon's non-discrimination policy and pointed out the university offers same-sex partner benefits to employees.

"We applaud efforts to confront discrimination whenever it is present on the Elon campus," it reads.

The university has recently hired a full-time staff position to support the interest and needs of the LGBTQIA (Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, Asexual, Ally) community, the email states. Dan Anderson, a spokesman for the university, said that while the position has been filled, the employee doesn't start work until summer. Attempts were unsuccessful Thursday to reach members of Elon's LGBTQIA community.

According to the email, Chick-fil-A's location on campus will be moved by early fall to the first floor of McEwen Dining Hall. That's as a result of previously announced plans to remodel Moseley Center, which will no longer include food service facilities.

"The board believes Elon has benefitted from carefully considering these complicated and sometimes deeply personal issues," the email concludes. "Our community has resisted calls to make a quick and unilateral decision, studying the issues thoroughly, listening carefully to all opinions and insisting that every member of the community be treated with respect."

Elon University President Leo Lambert and SGA Executive President Welsford Bishopric issued a statement in response to the board's email.

"Today's communication from the Board of Trustees calls upon our community to further commit ourselves to building a campus climate of respectful and meaningful civic dialogue," it begins.

Lambert and Bishopric call for Elon's Council on Civic Engagement to work on a plan to develop civic education initiatives for the 2013-2014 school year. The goal, the pair said, will be to enhance Elon's intellectual climate and better prepare the university for formative conversations.

"We will always have differences," Lambert and Bishopric wrote. "When we engage those differences constructively, societal progress is advanced."

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The Chronicle of Higher Education

March 6, 2011 Sunday

For Gay Students, More Room on Campuses;
After high-profile incidents, colleges improve resources, even as discrimination persists

BYLINE: Sara Lipka

SECTION: STUDENTS; Administration

LENGTH: 3572 words

DATELINE: Kingston, R.I.

ABSTRACT

After several high-profile incidents, including a suicide, colleges improve resources, but bias persists.

FULL TEXT

On the ground floor of an unsought dormitory at the University of Rhode Island, in two conjoined rooms, dream catchers hang in a window, a rainbow flag on the wall. The gay, lesbian, bisexual, and transgender students who spend so many hours here have wound Christmas lights around exposed pipes and piled a corner cabinet with board games and blankets. On a Wednesday afternoon, they kick off their shoes and sprawl out on shabby sofas.

"It's like our little home," says Matthew Silva, a junior.

The GLBT Center feels cozy, they say, on a campus that is not. In the past year, several students have heard slurs hurled from passing cars-or been followed; two female roommates in a relationship found garbage and used condoms outside their door.

Students in the university's GLBT community are fed up with what they describe as their marginalization. They are seeking, among other resources, respectable headquarters, where they can invite professors, hold events, and develop a sense of belonging on the campus. Since a weeklong protest this past fall, they are gaining ground.

The needs of gay, lesbian, bisexual, and transgender students, already well-served at some colleges, are attracting attention on campuses around the country. Several gay teenagers' suicides in the fall, including that of a student at Rutgers University, raised awareness of bullying, as have other incidents of bias: a gay-pride flag shredded last year at Elmhurst College, in Illinois, and one burned at Albion College, in Michigan. Concerns about safety and comfort, recently reflected in the first national survey of the GLBT campus population, are leading more administrators to consider how their students feel and what kinds of programs and services may help.

"There's a trend to see this as something that's needed and valued on a campus," says Allison F. Subasic, director of the LGBTA Student Resource Center (whose abbreviation includes "allies"), on Pennsylvania State University's main campus.

Last year the University of Cincinnati and the University of North Carolina at Wilmington hired advisers and opened centers to serve lesbian, gay, bisexual, and transgender students. Membership in the national Consortium of Higher Education LGBT Resource Professionals included 75 colleges in 2000; it represents 175 today.

But a center is just one item on the LGBT-Friendly Campus Climate Index-"a national standard of LGBT- and ally-inclusive policies, programs, and practices"-maintained by the Campus Pride advocacy group. Among 54 questions used to generate a 0-to-5-star score, the tool asks: Does your college offer to match students with LGBT-friendly roommates? Does it have an LGBT alumni group?

Campus Pride introduced the index in 2007, with 30 public ratings; since then, 260 colleges have released their scores, and 100 more have requested the free evaluation. Some administrators use the index as a checklist, as others do with guidelines for LGBT programs and services published in 2003 and updated last year by the Council for the Advancement of Standards in Higher Education.

As the population of openly gay students grows, supporting them has become a critical responsibility, says Amit Taneja, associate director of the LGBT Resource Center at Syracuse University. At a college without adequate resources, he says, the tasks of educating the campus on gay issues and advocating for a supportive climate often fall to students. Daunted, they may get depressed, drop out, or, as alumni, feel detached.

"It's a disservice to the students," Mr. Taneja says, "but it's also a disservice to the institution."

Protest and Progress

Andrew Winters came to Kingston in 1995, certain that the University of Rhode Island would be gay-friendly. Moving from Champaign, Ill., for a job in residence life, his image of New England was Provincetown, Mass., a gay haven. But within five years, The Princeton Review had twice named the University of Rhode Island among its top-10 most homophobic campuses, an unscientific but stigmatizing distinction. In 1999, on the outside wall of a new Rainbow Diversity House, somebody painted an expletive: "____ URI, No Fags." An assault on a student prompted university officials to appoint Mr. Winters as GLBT adviser and to open a center in 2000 (the diversity house didn't last).

Mr. Winters counseled students and worked toward getting Rhode Island into The Advocate College Guide for LGBT Students, a directory of 100 welcoming institutions published in 2006. But the programs and services the university listed were "paper thin," he says. "We got off the 10 worst and into the 100 best," Mr. Winters says, without much of a change in climate.

Last April, during the inauguration of President David M. Dooley, students demonstrated against the participation of a pastor with antigay views. Over the summer, some students were again threatened from passing cars. In August, Mr. Dooley invited members of the GLBT community, from the campus and beyond, to his house for a meeting, but a month later, students remained skeptical that top officials were committed to their concerns.

Beginning at midnight on September 23, 10 students occupied part of a glass-walled study room on the first floor of the library, sleeping in shifts on the floor. Their demands included a new center as well as diversity training for faculty members and resident advisers, they explained to curious classmates.

"There was a girl who said she had never thought about the issue literally once before," says Marisa O'Gara, a junior majoring in English and French. "She sat with us for a couple of hours and kind of informed other people as to why we were there."

From supportive students the protesters received a heartfelt letter and a poem; faculty and staff members delivered pizzas. A petition collected more than 1,400 signatures, a donation jar about $200. Still, some students muttered slurs outside the library, says Ms. O'Gara, things like, "Those fags want to be treated equally. What a joke." A graduate-student employee of the GLBT Center found a goodbye card under the door of his office, next to the center: "Shut up faggots. We know where you live."

Meanwhile, a student scrawled antigay messages and drawings on dorm-room doors; campus police officers tracked him down and arrested him for vandalism and disorderly conduct. A campuswide e-mail described the incident and named the student. "It sent a

clear message to our community," says Thomas R. Dougan, vice president for student affairs: "The university is not going to tolerate this."

For nine days the protesters negotiated with the university's provost, Donald H. DeHayes, who ultimately agreed to their demands, just before family weekend. He says he was impressed with the students' maturity and mettle. "They're bright, courageous leaders that have done a lot for the university."

Their possible future home, a large, ramshackle house that the university plans to renovate, is removed from the center of campus but in a visible location, diagonally across from the admissions office. "For too long we've been satisfied with shoehorning the operation," Mr. Dooley says.

After the protest, the president attended a meeting of Parents, Families and Friends of Lesbians and Gays and hired, six months earlier than planned, an interim associate vice president for community, equity, and diversity. In January the university conducted its first round of diversity training for faculty, as well as three hours of sensitivity training for its 135 RA's. A new alumni group, LGBTIQ2, whose abbreviation includes "intersex, queer, and questioning," will hold a series of events. And this month the Bias Response Team, active since August, plans to begin making public all reported incidents.

For their part, the students who protested hope to widen their circle. "We need to create allies," Alexandra E. Epervary, a freshman, says with a smile and a sigh. "Right now it's a bunch of angry gay kids."

Their plan is to reach out with the Welcome Project, educating students and employees who want to be seen as allies of the GLBT community, explains Mr. Winters.

"We're trying to find a way to breathe new life into a program that's languished a bit," he says. Behind him, on the door to the center, a chalk dragon breathes rainbow fire.

'I Fit In'

On many campuses, a center's door first opens after a crisis. On occasion, opponents, even state legislators, push hard against it. And often the space inside is a meager remnant of campus planning. Harvard University's Queer Resource Center is confined to 380 square feet in the basement of a freshman dormitory.

North Carolina State University opened its GLBT Center in 2008, in a tiny storage room in the theater department. "It was basically like we were in the closet," says Matthew Woodward, a junior there.

The establishment of a center at North Carolina State met much resistance, including the Facebook group Students Against NCSU LGBT Center. Some members argued that gay students could get support at the counseling center and through student groups. "There are so many other more worthwhile places we could drop our tuition and fees," one student

posted. "If they want the center they should fund it themselves on an OFF campus site," wrote another.

In the face of hostility, the community rallied. "Having a center really brought people together," says Mr. Woodward, who grew up in a small city near Charlotte and separated from his family before enrolling. Official recognition from the university carries validation: "You say, 'Oh, there's a place for me. I fit in,'" he says.

From the theater department the group moved to a suite in the student center. Students eat lunch there, study, and network, Mr. Woodward says. Together with Justine R. Hollingshead, the center's director, they have organized RA training, safe-space programs to educate and identify allies, and a popular Lady Gaga party for the whole campus last semester.

Evidence suggests that the overall climate is improving. A university survey to be released this year reflects double-digit percentage-point increases over one in 2004, which showed that 51.3 percent of straight students and 27.4 percent of gay, lesbian, and bisexual students found the campus supportive for people of different sexual orientations, Ms. Hollingshead says.

Architects of a new student center at the university recently met with the GLBT community about plans for the space. Students explained, for example, the importance of a private entrance to the director's office, so visitors wouldn't have to out themselves to fellow students by walking through a common area. And last month the university produced a video for the It Gets Better Project, aimed at young people struggling with their sexual orientation.

"Doing the video and having it be from N.C. State University and not just a few GLBT-identified individuals was a big deal," Ms. Hollingshead says. On screen the chancellor, William R. (Randy) Woodson, delivers a promise: "It will and can get better at N.C. State."

Having a base of operations also helps a campus respond promptly to a crisis. Near Emory University this past fall, a gay student was dragged out of a fraternity party. Now the university's Office of LGBT Life is collaborating with the Office of Sorority & Fraternity Life on a series of programs, including Greek-ally lunches and bystander training.

At the University of Michigan at Ann Arbor last fall, the Spectrum Center held a community meeting and a glow-light vigil in support of the student-body president after he was harassed by a now former public official for being gay. A professionally staffed office can quickly offer expertise and resources, says Gabriel C. Javier, assistant director of the center, the oldest in the nation to serve gay students.

"Centers have the opportunity," he says, "to help make really destructive moments into teachable moments."

Gauges of Climate and HBCU's

Still, a tragedy on an otherwise supportive campus can alter perceptions of its climate. Tyler Clementi, a freshman at Rutgers, jumped to his death in October after his roommate used an Internet chat program to broadcast live video of Mr. Clementi and a male companion, investigators say.

Observers assumed that Rutgers lacked resources and support for gay students, says Jenny Kurtz, acting director of the Center for Social Justice Education and LGBT Communities there. Alumni called and suggested safe-zone programs, for example, which the center already ran. Ms. Kurtz saw a chance to expand services-such as new gender-neutral-housing and roommate-matching options-and to promote them more widely.

Gauging safety and comfort levels, however, is an imprecise science. The first national report by the Q Research Institute for Higher Education, released in September, found that nearly a quarter of gay, lesbian, bisexual, and queer students and employees had experienced harassment at their colleges, and more than half had observed or perceived it. But that report didn't drill down to the campus level. And the increasingly popular Campus Climate Index, with its five-star scale, measures services, not sensitivities.

"How students feel regardless of resources is the really important thing," says Thomas E. Wesley, a master's candidate in student-affairs administration at Michigan State University who works with the LGBT Resource Center there. Last fall the center announced results of an institutional survey: 57 percent of LGBTQ-identified students and employees felt comfortable on the campus. Susan R. Rankin, a senior research associate in the Center for the Study of Higher Education at Penn State, administered the survey, as she has on about 100 campuses in the past decade.

Marquette University, Syracuse, and the University of Illinois at Springfield have also brought in consultants to assess their environments. But polls and focus groups often examine a self-identified population. LGBT-climate research tends to rely on snowball sampling, in which subjects recruit their friends. That technique, especially as it favors people who are out of the closet, can generate a skewed sample.

Another challenge is how to interpret a rate like 57 percent. Is that decent, or should it be better?

A new national survey this spring will try to set standards for comparison. The Cooperative Institutional Research Program, which administers the Freshman Survey, is beginning a Diverse Learning Environments Survey, based on 90 institutional-diversity-and-climate instruments. It will poll all students, asking, for example, how often they have interacted with somebody of a different sexual orientation, whether their classmates seem to appreciate differences, and how satisfied they are with the atmosphere. But so far only 18 colleges have opted to participate.

Another small group of colleges is taking a different approach to improving the atmosphere for gay students. Spelman College has led a three-year project with nine other historically black institutions, including North Carolina Central University, in Durham, and Southern University, in Baton Rouge, La., to "put these issues on the table in a public way," says Beverly Guy-Sheftall, founding director of the Women's Resource & Research Center and a professor of women's studies at Spelman.

Recognizing historic homophobia in the black community, top administrators at all the colleges have committed to complete the Campus Pride Index and form working groups to discuss related issues.

At a summit in April, they will share their progress, and professors will present research on LGBTQ issues at historically black colleges and in the black church. In another effort, the UNCF (formerly the United Negro College Fund) is collaborating with the national Human Rights Campaign to expand awareness of gay issues on historically black college campuses. "The UNCF project," Ms. Guy-Sheftall says, "will allow us to keep the momentum going."

Room for discussion has already grown at Philander Smith College, a small, United Methodist institution in Little Rock, Ark., that is part of the Spelman and UNCF groups. Last month, when a gay student complained of derogatory comments, the student senate organized an event called "Practice What You Preach," set up as a debate between Scripture and human behavior. It built on a couple of forums last year, "Gay Questions, Straight Answers" and "Sex in the Closet," that "fueled conversation on campus," says Carissa Rodgers, a 2010 graduate.

"I didn't realize until I got to Philander how strong stigma could be," says Ms. Rodgers, a lesbian. The public events were important, she says, but so were chats with her classmates one on one. "Meet me as a person," she would say. "Don't meet my sexuality."

"I feel like I helped open a lot of people's eyes," Ms. Rodgers says.

Even at Morehouse College, where there is a gay-straight alliance, the campus isn't open, says Keith Sylvester, a junior and the group's new co-president. In 2009, officials at the all-male college announced a dress code prohibiting feminine clothing and accessories, a code that students largely supported.

"Straight people do not want to come to our organization," Mr. Sylvester says. A transfer student from Virginia State University, he spent winter break at home in Brooklyn, N.Y., pondering whether he wanted to lead the group and how it might limit him-maybe from pledging a fraternity, which he had hoped to do. "That question sits in the back of my mind," he says.

Morehouse continues to hold forums on homosexuality and masculinity, he says, but he is looking forward to a festival, Morehouse Pride, this spring. Dialogues are necessary, but

so is fun, Mr. Sylvester says. "I feel like the change in the climate needs to be to lighten up a bit."

Small Steps

People trying to change a campus climate do well to mark progress incrementally. At North Dakota State University, students who signed a pledge to "walk the talk" and stop bullying drowned out a derogatory chant at football games this fall by cheering for the team: "Let's go, Bison!" Last month a group of gay and lesbian alumni wrote an open letter to Westmont College, a small, Christian institution in Santa Barbara, Calif., to encourage dialogue on a campus whose behavior code prohibits "homosexual practice." Nearly four dozen professors responded affirmatively, and the letters are likely to come up in a previously planned series of events on human sexuality this spring.

Belmont University, a Christian institution in Nashville, just officially recognized a gay-student group. Bucknell University, in Pennsylvania, now boasts seven sororities and nine fraternities identified as safe spaces, and Towson University, near Baltimore, recently designated a gender-neutral restroom.

Still, challenges persist. In various abbreviations, the "T" for "transgender" tends to get lost, says Genny Beemyn, director of the Stonewall Center, a bisexual, gay, lesbian, queer, and transgender educational research center at the University of Massachusetts at Amherst. Beemyn, who prefers not to use gender-specific titles, has researched resources for transgender students and identified the most essential-and rarely offered-including gender-neutral restrooms, locker-room space, and housing, as well as a process for changing name and sex on college records.

Advocates frequently struggle to win resources for a small, often invisible population. According to the American College Health Association's National College Health Assessment, 0.2 percent of students are transgender and 7.2 percent are bisexual, gay, lesbian, or unsure. But most individual colleges take no such census. Despite lobbying from Campus Pride and other groups, in January the Common Application opted neither to offer an option beyond male and female nor to include an optional question about sexual orientation.

Because data often drive money at universities, lacking numbers may mean seeing fewer dollars. Amy E. Schlag, program adviser for the new LGBTQIA Resource Office at UNC-Wilmington, has recruited about 10 faculty and staff members to make monthly donations. "To go where I would like for us to go, we're going to have to raise a lot more money," she says, "and that's going to be incumbent on me."

At Rhode Island, the GLBT Center is moving forward with a total budget of $181,000 this year (compared with $276,000 for the university's multicultural center). Next month it will hold a symposium, a weeklong series of speakers and other events. The student-led Gay-Straight Alliance is helping organize Marriage Equality Week in the state and planning to cosponsor a campus show with the Asian Student Association.

How will the alliance know if and when it has made progress? "It would be that I could walk around campus holding my girlfriend's hand without feeling like every single person is staring at me," says Ms. O'Gara. No more drive-by threats would signal change to Ms. Epervary, who would feel better about her nightly walk to the commuter parking lot.

Mr. Winters, who takes the long view, is hopeful: "I feel like people are paying attention now in a way that they have not in 17 years." But a climate still can't change quickly.

"It doesn't matter what shiny new GLBT center we put in place," he says. "It still might be a place that people are afraid to come to."

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https://www.facebook.com/SoGaySoWhat

#SoGaySoWhat is a grassroots campaign that celebrates individuality & spreads the message of love, acceptance, support, respect in the LGBTQI community.

http://www.voice4equality.org/

Annex 7-C

Using Lexis/Nexis which has full text searching capabilities for over 15,100 global newspapers, blogs, newsletters and newscast transcripts (including the largest and most influential newspapers globally), I looked at the use of various words used to commonly refer to homosexuals: "gay," "lesbian," "queer," "LGBTQ," "LGBT," "GLBT," "GLBTQ," and "LGBTQIAA." At random, two one week sample frames were drawn (April 1 2008-April 8, 2008 and April 1, 2013- April 8, 2014). Results showed that overwhelmingly sexual minorities refer to themselves and are referred to by journalists and other parties as "gay" more than any other term. For both samples, duplicated stories were removed from the sample and any references to "gay" as a proper name or "gay" meaning anything other than sexual orientation were removed. Notably, for both sample periods, apart from someone's surname, "Gay" never referred to anything other than an individual or community sexual orientation.

In the first sample period (April 1-8, 2013), "gay" was used 2,342 times, "LGBT" 272 times, "lesbian" 1008 times, "queer" 76 times and "LGBTQ" 19 times. "LGBTQIAA" and "GLBTQ" were not used at all. An overwhelming amount of the time, these terms beyond gay were used in articles that also used gay. Said another way, "LGBT" was used in only 35 articles that did not also use the term "gay," "lesbian" in 43 articles, "queer" in 55, and "LGBTQ" in 3. Data shows, thus, that gay" is both the most frequently used term when referring to non-heterosexual sexual orientation and is used as an umbrella term to cover many different sexual orientations. Of course, this can be explained by the common use of phrases like "gay marriage" and "gay rights" that drive the high number of times "gay" appears without any other descriptive phrases. "Gay and lesbian" marriage, as an example, was never used while "gay marriage" was used numerous times in articles that referred to both male and female homosexuals.

Interestingly, the same search conducted during the same one week period 5 years earlier returned almost identical results. While the total number of articles that referenced "gay was significantly less (1530), there were corresponding decreases for the other terms as well so that "gay" maintained a clear dominance in terms of frequency of use.

The fact that "gay" is a preferred term to reference an entire community of individuals is further buttressed by the fact that a separate search of the terms within one word of the word "community" shows that "gay community" was used twice as much as the next most prevalent descriptor – "LGBT community" which appears just 31 times. Importantly, "lesbian community" as a phrase is the next most prevalent neighbor to the word "community" and this happens just 16 times. When used, all 16 examples are actually "gay and lesbian community." "Queer community" is used in just 4 articles and "LGBTQ" in 11. Taken together, then, while there is some discrepancy in how journalists and sources refer to a community of sexual minorities, the term "gay community" is more than twice as likely to be used than any other phraseology. In short, this is overwhelmingly the most common.

Annex 7-D

April 30, 2014

RE: Media Research on GAY

Dear ICANN,

I submit the following research findings in support of the community application submitted by dotgay LLC (Application ID# 1-1713-23699), and to further support the statements made by dotgay LLC that the word "gay" is a word commonly used to refer to:

> *"male or female homosexuals, bisexual, transgender, queer, intersex, ally and many other terminology - in a variety of languages - that has been used at various points to refer most simply to those individuals who do not participate in mainstream cultural practices pertaining to gender identity, expression and adult consensual sexual relationships."*

I am Dr. David Gudelunas. I am a Associate Professor of Communication at Fairfield University and also serve as Chair of the Department of Communication and the Co-Director of the program in Women, Gender and Sexuality Studies. I completed my MA and Ph.D. at the Annenberg School for Communication at the University of Pennsylvania and have been a researcher and professor for over a decade. I have published a book and numerous peer-reviewed articles on the intersections of media, technology and sexuality and am frequently called on as an expert on related issues by the national and international media and not-for-profit groups. I have made over 100 academic presentations and have served as the Chair of the National Communication Association's Caucus on Sexuality.

As I understand from the CPE scorecard, community applicants are required to show a nexus between their proposed string and the community they have identified. To score 3 points for 2-A Nexus the applicant must show that "the string matches the name of the community or is a well-known short-form or abbreviation of the community" and to score 1 point for 2-B Uniqueness the applicant must show that the "string has no other significant meaning beyond identifying the community described in the application." Neither of these qualifiers indicates that the string is required to be "the best" or the "least imposing" as it relates to the community, especially since communities are capable of wearing several handles of identification simultaneously.

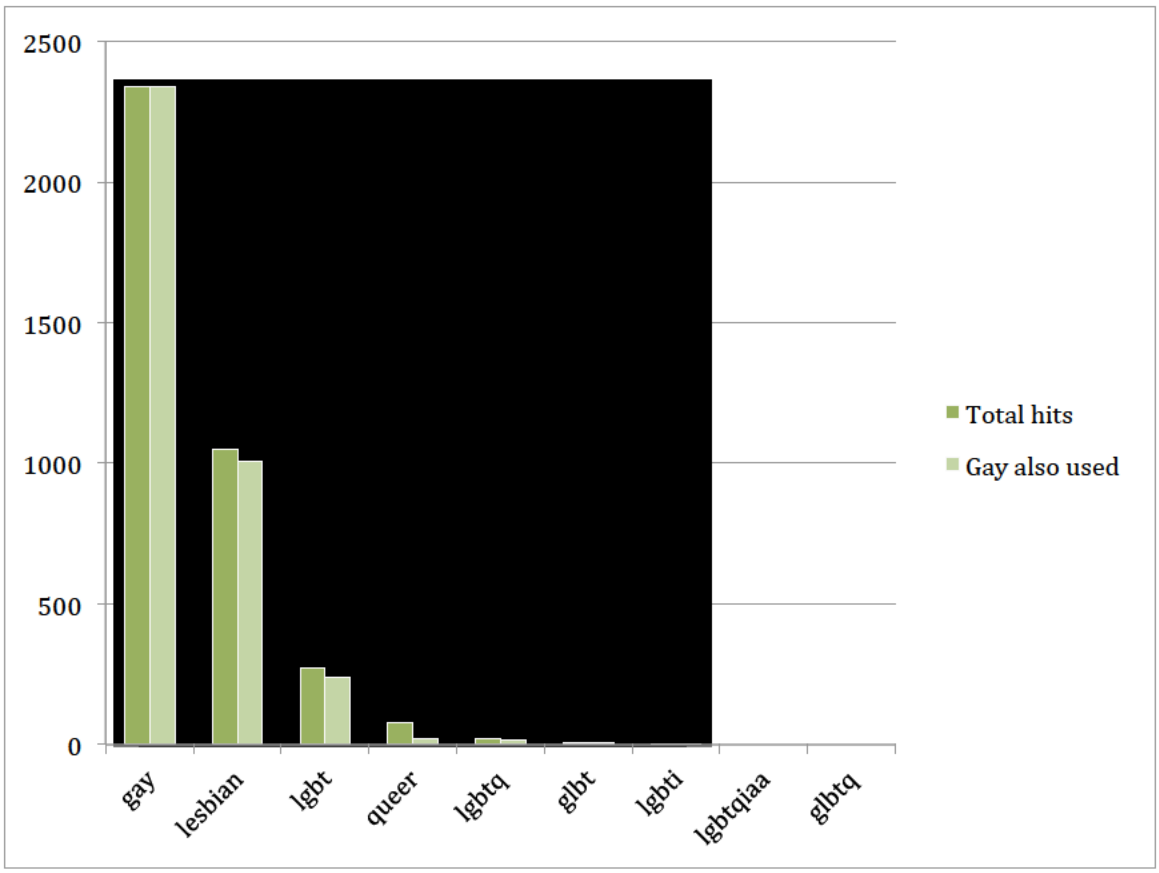
Using Lexis/Nexis which has full text searching capabilities for over 15,100 global newspapers, blogs, newsletters and newscast transcripts (including the largest and most influential newspapers globally), I looked at the spectrum of words used to refer to individuals whose gender identities and sexual orientation are outside the norms defined for heterosexual behavior of the larger society. My search included "gay," "lesbian," "queer," "LGBTQ," "LGBT," "GLBT," "GLBTQ," "LGBTI" and "LGBTQIAA." At random, two one week sample frames were drawn (April 1-8, 2008 and April 1-8, 2013). Results showed that overwhelmingly gender and sexual minorities refer to themselves and are referred to by journalists and other parties as "gay" more than any other term. For both samples, duplicated stories were removed from the sample and any references to "gay" as a proper name. Notably, for both sample periods, apart from someone's surname or other proper name, "Gay" never referred to anything other than an individual or community as it pertains to gender identity and sexual orientation.

This sample of news and commentary from Lexis/Nexis provides a snapshot of not just how journalists use language, but rather how language helps structure reality. The sources that have been culled together for this analysis represent the best possible non-biased representation of how people, on a global level, use language. This is not just a study in media, this is a look at how language and communication reflects reality. In other words, this is the best possible non-biased look at how people globally refer to non-heterosexuals and the language that is used most often and without variance to refer to non-heterosexuals.

In the first random sample period (April 1-8, 2013), "gay" was used 2,342 times, "LGBT" 272 times, "lesbian" 1008 times, "queer" 76 times and "LGBTQ" 19 times. "LGBTQIAA" and "GLBTQ" were not used at all. An overwhelming amount of the time these terms beyond gay were used in articles that also used gay. Said another way, "LGBT" was used in only 35 articles that did not also use the term "gay," "lesbian" in 43 articles, "queer" in 55, and "LGBTQ" in 3. Data shows, thus, that "gay" is both the most frequently used term when referring to non-heterosexual gender identity and sexual orientation and is used as an umbrella term to cover

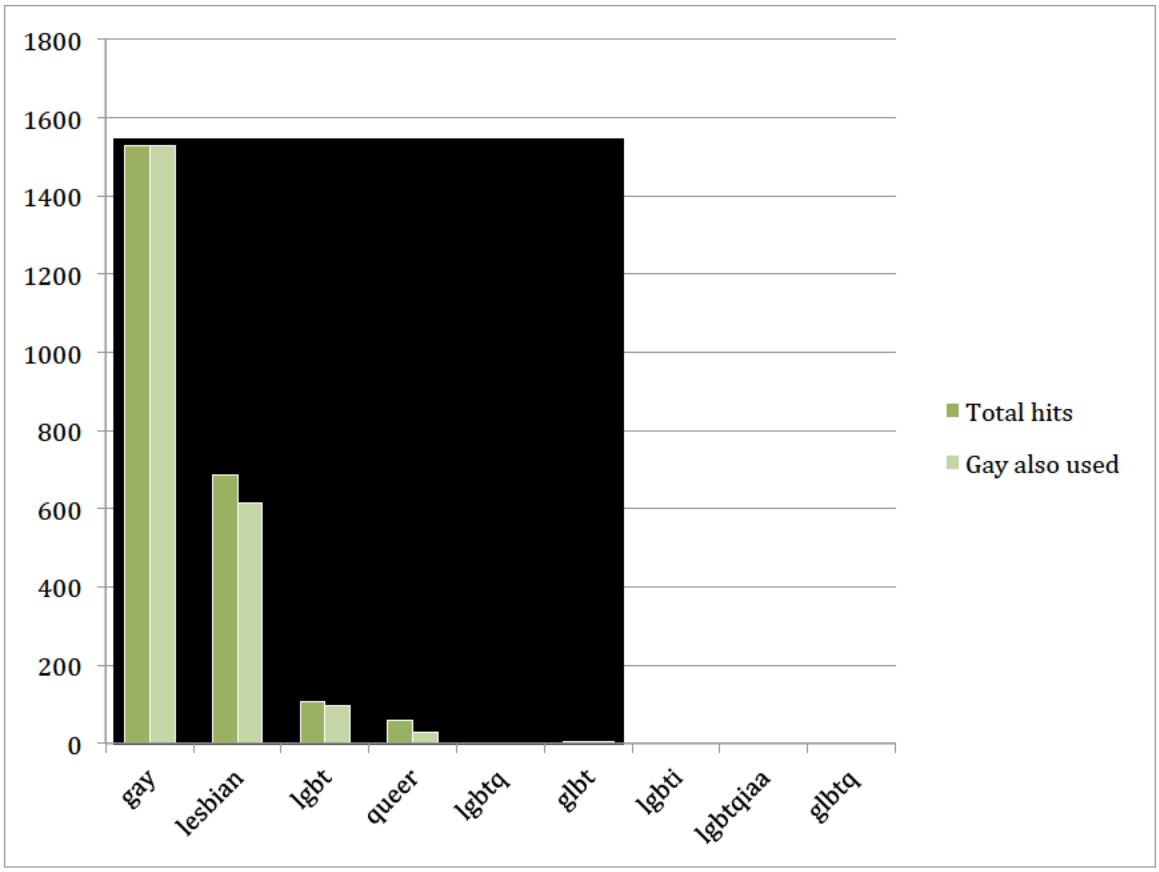
the diversity. Of course, this can be explained by the common use of phrases like "gay marriage" and "gay rights" that drive the high number of times "gay" appears without any other descriptive phrases. "Gay and lesbian" marriage, as an example, was never used while "gay marriage" was used numerous times in articles that referred to same sex marriage.

Exhibit A: Lexis/Nexis: Article Search by Word (April 1-8, 2013)



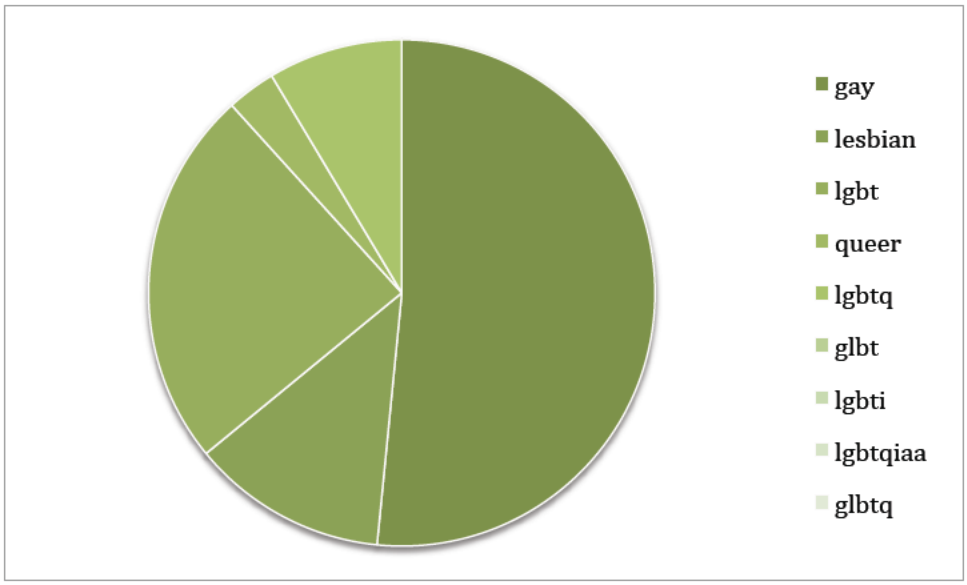
Interestingly, the same search conducted during the same one week period 5 years earlier returned almost identical results. While the total number of articles that referenced "gay" was significantly less (1,530), there were corresponding decreases for the other terms as well so that "gay" maintained a clear dominance in terms of frequency of use.

Exhibit B: Lexis/Nexis: Article Search by Word (April 1-8, 2008)



The fact that "gay" is a commonly used term to reference an entire community of individuals is further buttressed by the fact that a separate search of the terms within one word of the word "community" shows that "gay community" was used more than twice as much as the next most prevalent descriptor – "LGBT community" which appears just 31 times. Importantly, "lesbian community" as a phrase is the next most prevalent neighbor to the word "community" and this happens just 16 times. When used, all 16 examples are actually "gay and lesbian community." "Queer community" is used in just 4 articles and "LGBTQ" in 11. Taken together, then, while there is some discrepancy in how journalists and sources refer to a community of non-heterosexual gender and sexual minorities, the term "gay community" is more than twice as likely to be used than any other phraseology. In short, the word "gay" this is overwhelmingly the most common.

Exhibit C: Lexis/Nexis: Article Search within one word of "community" (April 1-8, 2013)



The use of the term gay was also not limited to exclusively US contexts. Though Lexis-Nexis does over-index in US based publications, the use of the term "gay" as an umbrella term for sexual orientation is global. From the 2013 sample discussed above where gay is used as a term to refer to sexuality, just over 50% of the articles came from North America (and this is in line with the overall universe of the Lexis Nexis database). Of the remaining 50%, all major world continents were represented: Africa (4%), Australia (10%), Europe (22%), South America (4%), Asia (7%) and the Middle East (3%). What is important to note here is that the other terms tested were used almost exclusively in North America. The data shows that 70% of the articles that used "LGBT," as an example were from North America. Similarly "queer" was more prominent in North American publications (80%) by far. This indicates that on a global level of language, gay is by far the most preferred term by journalists to refer to sexual orientation.

In conclusion, I present the following research as data that "gay" is not only a clear match of the string and the name of the community, but that "gay" also has a clear and common use for identifying the community. Without ever needing to explain how or why the word "gay" continues to be the word most "commonly" associated with the community of people described in dotgay LLC's application, or if it is "the best" or "least imposing," it cannot be disputed that it is a word most commonly understood by its members and "others" as defined by the EIU Evaluation Guidelines.

As ICANN considers whether the string "gay" matches the name of the "gay community," it warrants restating that what appears as obvious to most can also be supported as "fact" when research data is analyzed.

Best regards,

David Gudelunas, Ph.D.
Associate Professor of Communication and Chair, Department of Communication
Co-Director of Women, Gender and Sexuality Studies
Fairfield University
1073 North Benson Road
Fairfield, CT 06824

Annex 8

New gTLD Program
Community Priority Evaluation Report
Report Date: 29 July 2014

Application ID:	1-901-9391
Applied-for String:	Osaka
Applicant Name:	Interlink Co., Ltd.

Overall Community Priority Evaluation Summary

Community Priority Evaluation Result	**Prevailed**

Thank you for your participation in the New gTLD Program. After careful consideration and extensive review of the information provided in your application, including documents of support, the Community Priority Evaluation panel determined that the application met the requirements specified in the Applicant Guidebook. Your application prevailed in Community Priority Evaluation.

Panel Summary

Overall Scoring — 15 Point(s)

Criteria	Earned	Achievable
#1: Community Establishment	4	4
#2: Nexus between Proposed String and Community	4	4
#3: Registration Policies	3	4
#4: Community Endorsement	4	4
Total	15	16

Minimum Required Total Score to Pass 14

Criterion #1: Community Establishment — 4/4 Point(s)

1-A Delineation — *2/2 Point(s)*

The Community Priority Evaluation panel determined that the community as identified in the application met the criterion for Delineation as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook, as the community is clearly delineated, organized and pre-existing. The application received the maximum score of 2 points under criterion 1-A: Delineation.

Delineation

Two conditions must be met to fulfill the requirements for delineation: there must be a clear straightforward membership definition, and there must be awareness and recognition of a community (as defined by the applicant) among its members.

The community defined in the application ("Osaka") is:

> Members of the community are defined as those who are within the Osaka geographical area as well as those who self identify as having a tie to Osaka, or the culture of Osaka. Major participants of the community include, but are not limited to the following:
> • Legal entities
> • Citizens
> • Governments and public sectors
> • Entities, including natural persons who have a legitimate purpose in addressing the community.

This community definition shows a clear and straightforward membership. The community is clearly defined because membership is dependent on having a clear connection to a defined geographic area.

In addition, the community as defined in the application has awareness and recognition among its members. This is because of the clear association with the Osaka geographical area, as according to the applicant, "the Osaka Community is largely defined by its prefectural borders."

The Community Priority Evaluation panel determined that the community as defined in the application satisfies both the conditions to fulfill the requirements for delineation.

Organization

Two conditions must be met to fulfill the requirements for organization: there must be at least one entity mainly dedicated to the community, and there must be documented evidence of community activities.

The community as defined in the application has at least one entity mainly dedicated to the community, which is the Osaka Prefectural government. According to the letter of support from the Osaka Prefectural Government:

> As the Governor of Osaka Prefecture, I confirm that I have the authority of the government to be writing to you on this matter. As the local municipality, the government has the authority to decide conditions to use .osaka as a trustworthy domain.

The community as defined in the application has documented evidence of community activities. This is confirmed by detailed information on the website of the Osaka Prefectural government. These activities include carrying out promotional activities to attract overseas corporations and tourists to the Osaka region.

The Community Priority Evaluation panel determined that the community as defined in the application satisfies both the conditions to fulfill the requirements for organization.

Pre-existence

To fulfill the requirements for pre-existence, the community must have been active prior to September 2007 (when the new gTLD policy recommendations were completed).

The community as defined in the application was active prior to September 2007. According to the application:

> The Osaka community has been in existence for thousands of years, and is known as Japan's oldest capital. Osaka has been an economic and cultural center of the Japan for over a long span of time, though formally, the geographic area that defines the community, Osaka Prefecture, was formally established in 1868.

The Community Priority Evaluation panel determined that the community as defined in the application fulfills the requirements for pre-existence.

1-B Extension	*2/2 Point(s)*

The Community Priority Evaluation panel determined that the community as identified in the application met the criterion for Extension specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook, as the application demonstrates considerable size and longevity for the community. The application received a maximum score of 2 points under criterion 1-B: Extension.

Size

Two conditions must be met to fulfill the requirements for size: the community must be of considerable size and must display an awareness and recognition of a community among its members.

The community as defined in the application is of considerable size. The community for .Osaka as defined in the application is large in terms of the number of members. According to the applicant, "the Osaka Prefecture is currently the 3rd most populous area in Japan with a community of over 8.8 million people."

In addition, the community as defined in the application has awareness and recognition among its members. This is because of the clear association with the Osaka geographical area. According to the applicant, "the Osaka Community is largely defined by its prefectural borders."

The Community Priority Evaluation panel determined that the community as defined in the application satisfies both the conditions to fulfill the requirements for size.

Longevity

Two conditions must be met to fulfill the requirements for longevity: the community must demonstrate longevity and must display an awareness and recognition of a community among its members.

The community as defined in the application demonstrates longevity. The pursuits of the .Osaka community are of a lasting, non-transient nature. According to the application materials:

> The Osaka community has been in existence for thousands of years, and is known as Japan's oldest capital. Osaka has been an economic and cultural center of the Japan for over a long span of time, though formally, the geographic area that defines the community, Osaka Prefecture, was formally established in 1868. Osaka's culture is grounded in its long history of being a center for traditional performing arts known as the "kamigata culture". The community enjoys festivals and other customs that have been passed on from generation to generation.

In addition, the community as defined in the application has awareness and recognition among its members This is because of the clear association with the Osaka geographical area. According to the applicant, "the Osaka Community is largely defined by its prefectural borders."

The Community Priority Evaluation panel determined that the community as defined in the application satisfies both the conditions to fulfill the requirements for longevity.

Criterion #2: Nexus between Proposed String and Community	**4/4 Point(s)**
2-A Nexus	*3/3 Point(s)*

The Community Priority Evaluation panel determined that the application met the criterion for Nexus as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook. The string matches the name of the community. The application received a maximum score of 3 points under criterion 2-A: Nexus.

To receive the maximum score for Nexus, the applied-for string must match the name of the community or be a well-known short-form or abbreviation of the community. To receive a partial score for Nexus, the applied-for string must identify the community. "Identify" means that the applied-for string closely describes

the community or the community members without over-reaching substantially beyond the community.

The applied-for string (.Osaka) matches the name of the community. The string matches the name of the geographical and political area around which the community is based. According to the application documentation:

> The string, ".osaka", directly represents the Osaka community, and has been fully approved by the Osaka Prefectural Government as the proper representation of the Osaka community on the Internet.

The Community Priority Evaluation panel determined that the applied-for string matches the name of the community as defined in the application. It therefore meets the requirements for nexus.

2-B Uniqueness ***1/1 Point(s)***

The Community Priority Evaluation panel determined that the application met the criterion for Uniqueness as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook as the string has no other significant meaning beyond identifying the community described in the application. The application received a maximum score of 1 point under criterion 2-B: Uniqueness.

To fulfill the requirements for Uniqueness, the string must have no other significant meaning beyond identifying the community described in the application. The string as defined in the application demonstrates uniqueness, as the string does not have any other meaning beyond identifying the city and prefecture on which the community is based. The Community Priority Evaluation panel determined that the applied-for string satisfies the condition to fulfill the requirements for uniqueness.

Criterion #3: Registration Policies **3/4 Point(s)**

3-A Eligibility ***1/1 Point(s)***

The Community Priority Evaluation panel determined that the application met the criterion for Eligibility as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook as eligibility is restricted to community members. The application received a maximum score of 1 point under criterion 3-A: Eligibility.

To fulfill the requirements for Eligibility, the registration policies must restrict the eligibility of prospective registrants to community members. The application demonstrates adherence to this requirement by specifying that registrants must satisfy at least one of the following requirements:

> Osaka municipalities and local governments; public and private institutions in Osaka; organizations, companies and other businesses in Osaka; residents of Osaka; other community members who have a bona fide purpose for registering and using the domain. Registrants who purchase ".osaka" names will be required to certify that meet one of the categories above. (Comprehensive details are provided in Section 20e of the applicant documentation).

The Community Priority Evaluation panel determined that the application satisfied the condition to fulfill the requirements for Eligibility.

3-B Name Selection ***1/1 Point(s)***

The Community Priority Evaluation panel determined that the application met the criterion for Name Selection as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook as name selection rules are consistent with the articulated community-based purpose of the applied-for TLD. The application received a maximum score of 1 point under criterion 3-B: Name Selection.

To fulfill the requirements for Name Selection, the registration policies for name selection for registrants

must be consistent with the articulated community-based purpose of the applied-for gTLD. The application demonstrates adherence to this requirement by outlining the types of names that may be registered within the .Osaka top-level domain, while the name selection rules are consistent with the purpose of the gTLD. (Comprehensive details are provided in Section 20e of the applicant documentation). The Community Priority Evaluation panel determined that the application satisfied the condition to fulfill the requirements for Name Selection.

3-C Content and Use *1 / 1 Point(s)*

The Community Priority Evaluation panel determined that the application met the criterion for Content and Use as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook as the rules for content and use are consistent with the articulated community-based purpose of the applied-for TLD. The application received a maximum score of 1 point under criterion 3-C: Content and Use.

To fulfill the requirements for Content and Use, the registration policies must include rules for content and use for registrants that are consistent with the articulated community-based purpose of the applied-for gTLD. The application demonstrates adherence to this requirement by outlining prohibitions on certain types of content. Additionally, the applicant "will implement an Acceptable Use Policy (AUP) as well as include an Abuse Point of Contact on its website as a means to provide a method for users to submit complaints of abuse..." (Comprehensive details are provided in Section 20e of the applicant documentation). The Community Priority Evaluation panel determined that the application satisfied the condition to fulfill the requirements for Content and Use.

3-D Enforcement *0 / 1 Point(s)*

The Community Priority Evaluation panel determined that the application did not meet the criterion for Enforcement as specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook as the application provided specific enforcement measures but did not include appropriate appeal mechanisms. The application received a score of 0 out of 1 point under criterion 3-D: Enforcement.

Two conditions must be met to fulfill the requirements for Enforcement: the registration policies must include specific enforcement measures constituting a coherent set, and there must be appropriate appeals mechanisms. The applicant outlined policies that include specific enforcement measures constituting a coherent set as the registry will monitor domain registrations for content and has the right to cancel or suspend domain names that are in breach of its policies. (Comprehensive details are provided in Section 20e of the applicant documentation). However, the application did not outline an appeals process. The Community Priority Evaluation panel determined that the application satisfies only one of the two conditions to fulfill the requirements for Enforcement.

Criterion #4: Community Endorsement **4/4 Point(s)**

4-A Support *2 / 2 Point(s)*

The Community Priority Evaluation panel determined that the application fully met the criterion for Support specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook based on documented support from the recognized community institution to represent the community. The application received a maximum score of 2 points under criterion 4-A: Support.

To receive the maximum score for Support, the applicant is, or has documented support from, the recognized community institution(s)/member organization(s), or has otherwise documented authority to represent the community. "Recognized" means the institution(s)/organization(s) that, through membership or otherwise, are clearly recognized by the community members as representative of the community. To receive a partial score for Support, the applicant must have documented support from at least one group with relevance. "Relevance" refers to the communities explicitly and implicitly addressed.

The Community Priority Evaluation panel determined that the applicant has documented support from the

recognized community institution that represents the community. The Osaka Prefectural government has provided its written endorsement to the applicant for the provision of registry services under the .Osaka gTLD. The government also provided support for the applicant in the Initial Evaluation (Geographic Names Evaluation) phase. The Community Priority Evaluation Panel determined that the applicant fully satisfies the requirements for Support.

4-B Opposition *2/2 Point(s)*

The Community Priority Evaluation panel determined that the application met the criterion for Opposition specified in section 4.2.3 (Community Priority Evaluation Criteria) of the Applicant Guidebook, as the application did not receive any relevant opposition. The application received the maximum score of 2 points under criterion 4-B: Opposition.

To receive the maximum score for Opposition, the application must not have received any opposition of relevance. To receive a partial score for Opposition, the application must have received opposition from, at most, one group of non-negligible size.

The application did not receive any letters of opposition. The Community Priority Evaluation Panel determined that the applicant satisfied the requirements for Opposition.

Disclaimer: Please note that these Community Priority Evaluation results do not necessarily determine the final result of the application. In limited cases the results might be subject to change. These results do not constitute a waiver or amendment of any provision of the Applicant Guidebook or the Registry Agreement. For updated application status and complete details on the program, please refer to the Applicant Guidebook and the ICANN New gTLDs microsite at <newgtlds.icann.org>.

Annex 9-A

Jamie Baxter

From: COC Nederland - Jan-Willem de Bruin [Contact Information Redacted]
Sent: Wednesday, June 18, 2014 5:36 AM
To: [Contact Information Redacted]
Cc: 'Jamie Baxter'
Subject: RE: Confirmation of authenticity of support for new generic Top Level Domain .gay
Attachments: COC Netherlands.pdf

Importance: High

Dear Mr. Parisi,

Thank you for your e-mail concerning our support for the new LTD .gay. On behalf of COC Netherlands I can confirm that our organization has endorsed and still supports the community TLD as applied for by dotGAY LLC.
As a matter of fact I will be attending the upcoming 50th ICANN conference in London. If necessary I am available in person for follow up.

For further inquiries you can reach me on my British cell phone [Contact Information Redacted] while I'm in the UK (only from 24-29th of June). Otherwise on my regular Dutch number [Contact Information Redacted]. E-mail is best directly to [Contact Information Redacted].

Yours sincerely,

Jan-Willem de Bruin
general affairs officer COC Netherlands

COC fights for LGBT rights - Learn how you can support us

Federation of Dutch associations for the integration of homosexuality COC Netherlands

jwdebruin@coc.nl - www.coc.nl

Tel. + 31 20 623 4596 - fax + 31 20 626 7795 - Mob. [Contact Information Redacted]

Visiting address: Nieuwe Herengracht 49, Amsterdam, The Netherlands
Postal address: P.O. Box 3836, 1001 AP Amsterdam, The Netherlands

Follow us on Facebook, Twitter or subscribe to our email newsletter.

COC Netherlands is in Special Consultative Status with the Economic and Social Council of the United Nations

Van: Benjamin Parisi [Contact Information Redacted]
Verzonden: dinsdag 17 juni 2014 19:44
Aan: COC Nederland - Info
Onderwerp: [SPAM] - Confirmation of authenticity of support for new generic Top Level Domain .gay

To whom it may concern:

I am writing to you on behalf of the Internet Corporation for Assigned Names and Numbers (ICANN) in relation to the New gTLD Program. The Economist Intelligence Unit (EIU) has been selected as the Community Priority Evaluation Panelist to authenticate letters from entities providing letters of support or objection to community-based applications.

DotGay, LLC has applied for the gTLD .GAY, for which we received documentation of support from your organization, and which is attached to this email for your review.

Consistent with the New gTLD Program rules, we seek confirmation of the authenticity of your organization's letter as well as confirmation that the sender of the letter had the authority to indicate your organization's support for the application.

We kindly request that you respond to this request via email to Benjamin Parisi Contact Information Redacted. A short email response confirming the above points are correct would be greatly appreciated.

We would be grateful if you could respond to this request by June 24, 2014. We will follow up via email and telephone in the interim on a regular basis.

Thank you for your assistance in this matter.

Regards,

Benjamin Parisi
Contact Information Redacted

Jamie Baxter

From: Denise Spivak Contact Information Redacted
Sent: Thursday, June 19, 2014 8:48 AM
To: Benjamin Parisi
Cc: Jamie Baxter
Subject: RE: Confirmation of authenticity of support for new generic Top Level Domain .gay

Dear Mr. Parisi,

I am responding to your email to confirm that the letter of support provided to ICANN regarding DotGay, LLC's application for the gTLD .GAY is authentic and that Terry Stone, the sender of the letter, is fully authorized to represent CenterLink Inc.'s support.

Should you need further information or confirmation, please feel free to contact me.

Thank you,

Denise Spivak

Denise Spivak
Director of Member Relations and External Affairs
CenterLink: The Community of LGBT Centers
P O Box 24490, Fort Lauderdale, FL 33307-4490
Contact Information Redacted | Phone: 954.765.6024 | Fax: 954.206.0469
www.lgbtcenters.org

From: Benjamin Parisi [mailto:Contact Information Redacted]
Sent: Thursday, June 19, 2014 2:33 AM
To: Contact Information Redacted
Subject: Fwd: Confirmation of authenticity of support for new generic Top Level Domain .gay

---------- Forwarded message ----------
From: **Benjamin Parisi** Contact Information Redacted
Date: 19 June 2014 02:13
Subject: Confirmation of authenticity of support for new generic Top Level Domain .gay
To: Contact Information Redacted

To whom it may concern:

I am writing to you on behalf of the Internet Corporation for Assigned Names and Numbers (ICANN) in relation to the New gTLD Program. The Economist Intelligence Unit (EIU) has been selected as the Community Priority Evaluation Panelist to authenticate letters from entities providing letters of support or

objection to community-based applications.

DotGay, LLC has applied for the gTLD .GAY, for which we received documentation of support from your organization, and which is attached to this email for your review.

Consistent with the New gTLD Program rules, we seek confirmation of the authenticity of your organization's letter as well as confirmation that the sender of the letter had the authority to indicate your organization's support for the application.

We kindly request that you respond to this request via email to Benjamin Parisi Contact Information Redacted. A short email response confirming the above points are correct would be greatly appreciated.

We would be grateful if you could respond to this request by June 24, 2014. We will follow up via email and telephone in the interim on a regular basis.

Thank you for your assistance in this matter.

Regards,

Benjamin Parisi
Contact Information Redacted

Jamie Baxter

From: Paul Roberts <Contact Information Redacted>
Sent: Monday, June 30, 2014 3:01 AM
To: 'Benjamin Parisi'
Cc: 'Jamie Baxter'
Subject: RE: Confirmation of authenticity of support for new generic Top Level Domain .gay

Dear Benjamin

I have received the email seeking authenticity of our of letter of support for DotGay, LLC. I can confirm that the contents of the letter were written by myself and we stand by the comments contained within and sincerely hope DotGay's application will be given its proper merit as the only organisation actively engaging with us a national umbrella body for LGBT organisations.

I note in your email that I needed to respond by the 24th, however only just received this on the 30th!

Very best wishes

Paul

Paul Roberts
Chief Executive Officer
Direct Dial: Contact Information Redacted
Main Number: 020 7064 6500
Please note our postal address is now: LGBT Consortium, PO Box 934, Taunton, Somerset, TA1 9LU

@LGBTConsortium LGBT Consortium

From: Benjamin Parisi [Contact Information Redacted]
Sent: 30 June 2014 06:42
To: Contact Information Redacted;
Subject: Confirmation of authenticity of support for new generic Top Level Domain .gay

To whom it may concern:

I am writing to you on behalf of the Internet Corporation for Assigned Names and Numbers (ICANN) in relation to the New gTLD Program. The Economist Intelligence Unit (EIU) has been selected as the Community Priority Evaluation Panelist to authenticate letters from entities providing letters of support or objection to community-based applications.

DotGay, LLC has applied for the gTLD .GAY, for which we received documentation of support from your organization, and which is attached to this email for your review.

Consistent with the New gTLD Program rules, we seek confirmation of the authenticity of your organization's letter as well as confirmation that the sender of the letter had the authority to indicate your organization's support for the application.

We kindly request that you respond to this request via email to Benjamin Parisi (Contact Information Redacted). A short email response confirming the above points are correct would be greatly appreciated.

We would be grateful if you could respond to this request by June 24, 2014. We will follow up via email and telephone in the interim on a regular basis.

Thank you for your assistance in this matter.

Regards,

Benjamin Parisi
Contact Information Redacted

Jamie Baxter

From: Contact Information Redacted, on behalf of Wiktor Dynarski Contact Information Redacted.
Sent: Saturday, June 21, 2014 11:44 AM
To: Benjamin Parisi
Cc: Jamie Baxter
Subject: Re: Confirmation of authenticity of support for new generic Top Level Domain .gay

Dear Benjamin Parisi,

I hereby confirm that Trans-Fuzja's letter of support is authentic and that as the Vice-President of its Board I had and still have the authority to issue these types of supporting correspondence.

Regards

--
Wiktor Vern Dynarski

Vice President for International Affairs

Contact Information Redacted

Trans-Fuzja Foundation
Noakowskiego 10 lok. 66
00-666 Warsaw, Poland.

www.transfuzja.org
www.facebook.com/FundacjaTransFuzja

2014-06-19 8:30 GMT+02:00 Benjamin Parisi <Contact Information Redacted>:
To whom it may concern:

I am writing to you on behalf of the Internet Corporation for Assigned Names and Numbers (ICANN) in relation to the New gTLD Program. The Economist Intelligence Unit (EIU) has been selected as the Community Priority Evaluation Panelist to authenticate letters from entities providing letters of support or objection to community-based applications.

DotGay, LLC has applied for the gTLD .GAY, for which we received documentation of support from your organization, and which is attached to this email for your review.

Consistent with the New gTLD Program rules, we seek confirmation of the authenticity of your organization's letter as well as confirmation that the sender of the letter had the authority to indicate your organization's

support for the application.

We kindly request that you respond to this request via email to Benjamin Parisi Contact Information Redacted A short email response confirming the above points are correct would be greatly appreciated.

We would be grateful if you could respond to this request by June 24, 2014. We will follow up via email and telephone in the interim on a regular basis.

Thank you for your assistance in this matter.

Regards,

Benjamin Parisi
Contact Information Redacted

Jamie Baxter

From: KZN G&L Tourism Association <Contact Information Redacted>
Sent: Monday, June 30, 2014 3:02 AM
To: Contact Information Redacted
Cc: 'Jamie Baxter'; 'Shaun Kruger'
Subject: FW: Confirmation of authenticity of support for new generic Top Level Domain .gay
Attachments: KZNGALTA South Africa.pdf

Dear Benjamin,

Your email below refers.

On behalf of the new 2014-2015 Board of KwaZulu-Natal Gay & Lesbian Tourism Association, I wish to confirm the authenticity of the letter provided by my organisation last year. Our support of DotGayLLC remains steadfast.

Kind regards,

Jason Fiddler
Founding Chairperson 2004-2014
Mobile: Contact Information Redacted

KwaZulu-Natal Gay & Lesbian Tourism Association
KwaZulu-Natal Gay & Lesbian Tourism Association south africa
(NPO Registration :: 096-435 NPO ::)

In association with the KwaZulu-Natal Tourism Authority
South Africa KWAZULU-NATAL
Zulu Kingdom. **Exceptional**

c/o TKZN, 3rd Floor, Tourist Junction, 160 Pine Street, Durban, KwaZulu-Natal, South Africa
P O Box 51190, Musgrave Road, 4062, South Africa
Fax: +27 (0)86 516 1489 /
Mobile c/o Chairperson: Contact Information Redacted
Mobile c/o Secretary: Contact Information Redacted / Mobile c/o Treasurer: Contact Information Redacted
Email: Contact Information Redacted (back up email) / Website: www.kzngalta.org.za
Tourism KZN Liaison: V. KuzwayoContact Information Redacted

Board Members 2014-2015:
S. Kruger (Chairperson), A. Moulton (Deputy Chairperson), N. Vermaak (Secretary), N. Bos (Treasurer), D. Walker (Membership Officer), W. Naidoo (Events Coordinator), P. van Achter, B. Brett, J. Fiddler, S. Nel | N. Mkhize (ex officio: Durban LGBTI Centre), V. Kuzwayo (ex officio: TKZN Liaison), E. Otto (ex officio), A. Waldhausen (ex officio), S.Nombande (ex officio), C. Malan (ex officio)

From: Benjamin Parisi [Contact Information Redacted
Sent: 30 June 2014 07:53 AM

To: Contact Information Redacted

Subject: Confirmation of authenticity of support for new generic Top Level Domain .gay

To whom it may concern:

I am writing to you on behalf of the Internet Corporation for Assigned Names and Numbers (ICANN) in relation to the New gTLD Program. The Economist Intelligence Unit (EIU) has been selected as the Community Priority Evaluation Panelist to authenticate letters from entities providing letters of support or objection to community-based applications.

DotGay, LLC has applied for the gTLD .GAY, for which we received documentation of support from your organization, and which is attached to this email for your review.

Consistent with the New gTLD Program rules, we seek confirmation of the authenticity of your organization's letter as well as confirmation that the sender of the letter had the authority to indicate your organization's support for the application.

We kindly request that you respond to this request via email to Benjamin Parisi Contact Information Redacted). A short email response confirming the above points are correct would be greatly appreciated.

We would be grateful if you could respond to this request by June 24, 2014. We will follow up via email and telephone in the interim on a regular basis.

Thank you for your assistance in this matter.

Regards,

Benjamin Parisi
Contact Information Redacted

Jamie Baxter

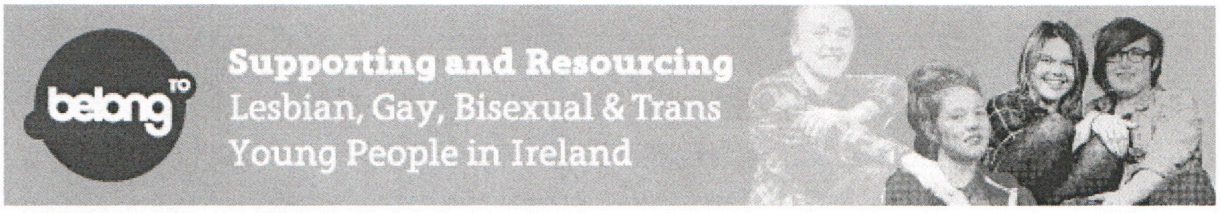
From: Oisín O' Reilly <Contact Information Redacted>
Sent: Thursday, June 26, 2014 5:35 AM
To: Benjamin Parisi
Cc: Jamie Baxter
Subject: Re: Confirmation of authenticity of support for new generic Top Level Domain .gay

Dear Benjamin,

Many thanks for your email. I can confirm that the attached letter represents an authentic copy of the letter and that our Executive Director Mr. Michael Barron was authorized to sign the letter on behalf of the organisation.

Regards,

Oisín O' Reilly
Fundraising & Office Manager



Parliament House | 13 Parliament Street | Dublin 2 | Ireland
Ph: 01 670 6223 **Fax:** 01 670 6219
DD: Contact Information Redacted **Mob:** Contact Information Redacted

On 19 June 2014 07:11, Benjamin Parisi <Contact Information Redacted> wrote:
To whom it may concern:

I am writing to you on behalf of the Internet Corporation for Assigned Names and Numbers (ICANN) in relation to the New gTLD Program. The Economist Intelligence Unit (EIU) has been selected as the Community Priority Evaluation Panelist to authenticate letters from entities providing letters of support or objection to community-based applications.

DotGay, LLC has applied for the gTLD .GAY, for which we received documentation of support from your organization, and which is attached to this email for your review.

Consistent with the New gTLD Program rules, we seek confirmation of the authenticity of your organization's letter as well as confirmation that the sender of the letter had the authority to indicate your organization's support for the application.

We kindly request that you respond to this request via email to Benjamin Parisi
Contact Information Redacted A short email response confirming the above points are correct would be greatly appreciated.

We would be grateful if you could respond to this request by June 24, 2014. We will follow up via email and telephone in the interim on a regular basis.

Thank you for your assistance in this matter.

Regards,

Benjamin Parisi
Contact Information Redacted

Jamie Baxter

From: Zdravko Cimbaljevic <Contact Information Redacted
Sent: Thursday, June 19, 2014 3:55 AM
To: Jamie Baxter
Subject: Fwd: Confirmation of authenticity of support for new generic Top Level Domain .gay
Attachments: PROGRESS LGBT Forum Montenegro.pdf

My colleagues will confirm it till 24th :)

Hugs,

z

Zdravko Cimbaljević
Montenegrin and International LGBT activist
Rainbow Refugee Board Member
City of Colours Board Member

Cell: Contact Information Redacted

Vancouver, British Colombia
Canada

Facebook
Twitter

---------- Forwarded message ----------
From: **Benjamin Parisi** <Contact Information Redacted>
Date: Wed, Jun 18, 2014 at 11:27 PM
Subject: Confirmation of authenticity of support for new generic Top Level Domain .gay
To: Contact Information Redacted

To whom it may concern:

I am writing to you on behalf of the Internet Corporation for Assigned Names and Numbers (ICANN) in relation to the New gTLD Program. The Economist Intelligence Unit (EIU) has been selected as the Community Priority Evaluation Panelist to authenticate letters from entities providing letters of support or objection to community-based applications.

DotGay, LLC has applied for the gTLD .GAY, for which we received documentation of support from your organization, and which is attached to this email for your review.

Consistent with the New gTLD Program rules, we seek confirmation of the authenticity of your organization's letter as well as confirmation that the sender of the letter had the authority to indicate your organization's support for the application.

We kindly request that you respond to this request via email to Benjamin Parisi (Contact Information Redacted . A short email response confirming the above points are correct would be greatly appreciated.

We would be grateful if you could respond to this request by June 24, 2014. We will follow up via email and telephone in the interim on a regular basis.

Thank you for your assistance in this matter.

Regards,

Benjamin Parisi
Contact Information Redacted

Annex 9-B

Jamie Baxter

From: Sophie Schers Contact Information Redacted >
Sent: Wednesday, April 15, 2015 6:20 AM
To: icann cpe
Cc: Jamie Baxter Contact Information Redacted ; COC Nederland - Jan-Willem de Bruin Contact Information Redacted)
Subject: RE: Confirmation of authenticity of support for new generic Top Level Domain .GAY

Hello Benjamin,

In response to your e-mail requesting confirmation of our organisation's letter to support dotgay LLC's community focused model for .GAY I hereby confirm that the letter is authentic. This letter found its way to ICANN through Jamie Baxter of dotgay LLC with our consent and that of our chair person who signed the letter.

Kind regards,
Sophie Schers

Policy Officer
Contact Information Redacted
Monday to Thursday, (9am-5pm).

TNN
TRANSGENDER NETWERK NEDERLAND
Rhijnspoorplein 26
1018 TX Amsterdam

+31 20 205 0915
info@transgendernetwerk.nl
www.transgendernetwerk.nl

Van: Contact Information Redacted **Namens** icann cpe
Verzonden: vrijdag 3 april 2015 8:44
Aan: Info Transgendernetwerk
Onderwerp: Confirmation of authenticity of support for new generic Top Level Domain .GAY

To whom it may concern:

I am writing to you on behalf of the Internet Corporation for Assigned Names and Numbers (ICANN) in relation to the New gTLD Program. The Economist Intelligence Unit (EIU) has been selected as the Community Priority Evaluation Panelist to authenticate letters from entities providing letters of support or objection to community-based applications.

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We kindly request that you respond to this request via email to Benjamin Parisi at this address Contact Information Redacted A short email response confirming the above points are correct would be greatly appreciated.

We would be grateful if you could respond to this request as soon as possible. We will follow up via email and telephone in the interim on a regular basis.

Thank you for your assistance in this matter.

Regards,

Benjamin Parisi
Contact Information Redacted)

Jamie Baxter

From: Sebastian Rocca <Contact Information Redacted>
Sent: Thursday, April 09, 2015 12:01 PM
To: Jamie Baxter
Subject: Fwd: Confirmation of authenticity of support for new generic Top Level Domain .GAY

FYI

Sebastian Rocca
Founder and CEO

email Contact Information Redacted
phone
skype

MICRO RAINBOW INTERNATIONAL
Addressing the situation of poverty of LGBTI people worldwide

WE'RE A SOCIAL ENTERPRISE
BUSINESS WHERE SOCIETY PROFITS
Certified Member of Social Enterprise UK

Begin forwarded message:

Date: 8 April 2015 16:24:48 GMT-7
Subject: Re: Confirmation of authenticity of support for new generic Top Level Domain .GAY
From: icann cpe Contact Information Redacted
To: Sebastian Rocca Contact Information Redacted

Thank you, confirming response.

On 3 April 2015 at 09:37, Sebastian Rocca Contact Information Redacted wrote:
Dear Benjamin

Thank you for your email. I confirm that:

- the letter we sent is authentic
- I have the authority to commit my organisation;s support to the application submitted by .GAY

We fully support the community application of .GAY

Please feel free to get in touch with us again should you need further clarifications.

With kind regards

Sebastian Rocca
Founder and CEO

email Contact Information Redacted
phone
skype

On 2 Apr 2015, at 23:12, icann cpe Contact Information Redacted > wrote:

To whom it may concern:

I am writing to you on behalf of the Internet Corporation for Assigned Names and Numbers (ICANN) in relation to the New gTLD Program. The Economist Intelligence Unit (EIU) has been selected as the Community Priority Evaluation Panelist to authenticate letters from entities providing letters of support or objection to community-based applications.

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We kindly request that you respond to this request via email to Benjamin Parisi at this address (Contact Information Redacted A short email response confirming the above points are correct would be greatly appreciated.

We would be grateful if you could respond to this request as soon as possible. We will follow up via email and telephone in the interim on a regular basis.

Thank you for your assistance in this matter.

Regards,

Benjamin Parisi
Contact Information Redacted

<micro rainbow.pdf>

Jamie Baxter

From: Klaus Heusslein (EGLSF) <Contact Information Redacted>
Sent: Thursday, April 09, 2015 1:06 AM
To: Jamie Baxter
Subject: Fwd: Re: Confirmation of authenticity of support for new generic Top Level Domain .GAY

FYI

--- Weitergeleitete Nachreicht ---
Von: icann cpe <Contact Information Redacted>
Datum: 9. April 2015 00:48:49
Betreff: Re: Confirmation of authenticity of support for new generic Top Level Domain .GAY
An: Klaus Heusslein Contact Information Redacted

Thank you, confirming Receipt.

On 2 April 2015 at 23:41, Klaus Heusslein <Contact Information Redacted> wrote:
Dear Mr. Parisi,

I do confirm that EGLSF is supporting dotGay's request.

EGLSF is Europe's biggest LGBT Sport Federation, representing 120+ sport clubs and more than 20000 LGBT athletes.

Please feel free to contact us back if you have any further questions.

Greetings,

Klaus Heusslein

EGLSF Co-President
European Gay and Lesbian Sport Federation - EGLSF

Phone: Contact Information Redacted
Skype:
http://www.eglsf.info
http://www.facebook.com/eglsf
http://www.twitter.com/eglsf

The EGLSF enjoys participatory status at the Council of Europe
and is member of the Consultative Committee of the
Enlarged Partial Agreement of Sport (EPAS) of the Council of Europe.
Gesendet mit Sparrow

Am Freitag, 3. April 2015 um 07:24 schrieb icann cpe:

> To whom it may concern:
>
> I am writing to you on behalf of the Internet Corporation for Assigned Names and Numbers (ICANN) in relation to the New gTLD Program. The Economist Intelligence Unit (EIU) has been selected as the Community Priority Evaluation Panelist to authenticate letters from entities providing letters of support or objection to community-based applications.
>
> dotGay, LLC has applied for the gTLD .GAY, for which we received documentation of support from your organization, and which is attached to this email for your review.

Consistent with the New gTLD Program rules, we seek confirmation of the authenticity of your organization's letter as well as confirmation that the sender of the letter had the authority to indicate your organization's support for the application.

We kindly request that you respond to this request via email to Benjamin Parisi at this address Contact Information Redacted A short email response confirming the above points are correct would be greatly appreciated.

We would be grateful if you could respond to this request as soon as possible. We will follow up via email and telephone in the interim on a regular basis.

Thank you for your assistance in this matter.

Regards,

Benjamin Parisi
Contact Information Redacted

Anhänge:

- European Sport Federation.pdf

This e-mail may contain confidential material. If you are not an intended recipient, please notify the sender and delete all copies. It may also contain personal views which are not the views of The Economist Group. We may monitor e-mail to and from our network.

Sent by a member of The Economist Group. The Group's parent company is The Economist Newspaper Limited, registered in England with company number 236383 and registered office at 25 St James's Street, London, SW1A 1HG. For Group company registration details go to http://legal.economistgroup.com

Jamie Baxter

From:	Gayten-LGBT <Contact Information Redacted>
Sent:	Monday, April 06, 2015 6:10 PM
To:	icann cpe
Cc:	Contact Information Redacted
Subject:	Re: Confirmation of authenticity of support for new generic Top Level Domain .GAY

Dear EIU,

The letter of support for dotgay LLC that we provided confirms our support of dotgay LLC and we hope that the EIU will provide the necessary approval of the community application for .GAY by dotgay LLC.

Please let us know if we can be of any further assistance.

All the best,
Kristian

On Fri, Apr 3, 2015 at 7:49 AM, icann cpe <Contact Information Redacted> wrote:
To whom it may concern:

I am writing to you on behalf of the Internet Corporation for Assigned Names and Numbers (ICANN) in relation to the New gTLD Program. The Economist Intelligence Unit (EIU) has been selected as the Community Priority Evaluation Panelist to authenticate letters from entities providing letters of support or objection to community-based applications.

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We kindly request that you respond to this request via email to Benjamin Parisi at this address Contact Information Redacted. A short email response confirming the above points are correct would be greatly appreciated.

We would be grateful if you could respond to this request as soon as possible. We will follow up via email and telephone in the interim on a regular basis.

Thank you for your assistance in this matter.

Regards,

Benjamin Parisi
Contact Information Redacted

--
"There's a wonderful blending of energies as people work joyfully together, supporting and encouraging each other in ways that are fulfilling and productive."

***

Gayten-LGBT, Center for Promotion of LGBTIQ Human Rights
Braće Baruh 20 b
11158 Belgrade, Serbia
Telephone: +381 11 292 00 67
Fax: +381 11 292 00 73
Mobile: Contact Information Redacted
Web: www.transserbia.org

Jamie Baxter

From: i freedom Uganda <Contact Information Redacted >
Sent: Friday, April 17, 2015 5:04 AM
To: Jamie Baxter
Subject: Fwd: Confirmation of authenticity of support for new generic Top Level Domain .GAY

Hey Jamie;

I trust that your are well,

Today I got an e-mail from ICANN asking me to authentic the letter of support we sent to them on behalf of .gay. I have promptly replied them and you can follow the conversation via the forwarded thread below.

Best and hope to keep in touch

Kelly Daniel
Human Rights Defender
Executive Director
i freedom Uganda - Network
Contact Information Redacted

www.ifreedomuganda.net
http://ifreeuganda.crowdmap.com
google.com/+KellyDanielifreedomUganda

---------- Forwarded message ----------
From: **i freedom Uganda** Contact Information Redacted
Date: Fri, Apr 17, 2015 at 12:01 PM
Subject: Re: Confirmation of authenticity of support for new generic Top Level Domain .GAY
To: icann cpe Contact Information Redacted
Cc: Contact Information Redacted

Greetings Benjamim;

I write to confirm that the letter of support came from our organization and the person who signed the letter has the legal authority to do so on behalf of the organization.

Please consider the letter of support authentic.

Good Day

Kelly Daniel
Human Rights Defender
Executive Director
i freedom Uganda - Network
Contact Information Redacted

www.ifreedomuganda.net
http://ifreeuganda.crowdmap.com
google.com/+KellyDanielifreedomUganda

On Fri, Apr 17, 2015 at 1:29 AM, icann cpe <Contact Information Redacted> wrote:
To whom it may concern:

I am writing to you on behalf of the Internet Corporation for Assigned Names and Numbers (ICANN) in relation to the New gTLD Program. The Economist Intelligence Unit (EIU) has been selected as the Community Priority Evaluation Panelist to authenticate letters from entities providing letters of support or objection to community-based applications.

dotGay, LLC has applied for the gTLD .GAY, for which we received documentation of support from your organization, and which is attached to this email for your review.

Consistent with the New gTLD Program rules, we seek confirmation of the authenticity of your organization's letter as well as confirmation that the sender of the letter had the authority to indicate your organization's support for the application.

We kindly request that you respond to this request via email to Benjamin Parisi at this address (Contact Information Redacted. A short email response confirming the above points are correct would be greatly appreciated.

We would be grateful if you could respond to this request as soon as possible. We will follow up via email and telephone in the interim on a regular basis.

Thank you for your assistance in this matter.

Regards,

Benjamin Parisi
Contact Information Redacted

Jamie Baxter

From: Contact Information Redacted
Sent: Friday, September 25, 2015 1:22 PM
To: icann cpe
Subject: Re: Confirmation of authenticity of support for new generic Top Level Domain .GAY

Benjamin,

How are you? My name is César Casas Ferrer, im the co-foudner of the "Federación Mexicana de Empresarios LGBT" and i want to confirm that letter is written and signed by me in behalf of my organization.

If you need further information let me know

César Casas Ferrer

El 22/09/2015, a las 3:16, icann cpe <Contact Information Redacted escribió:

To whom it may concern:

I am writing to you on behalf of the Internet Corporation for Assigned Names and Numbers (ICANN) in relation to the New gTLD Program. The Economist Intelligence Unit (EIU) has been selected as the Community Priority Evaluation Panelist to authenticate letters from entities providing letters of support or objection to community-based applications.

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We kindly request that you respond to this request via email to Benjamin Parisi at this address (Contact Information Redacted . A short email response confirming the above points are correct would be greatly appreciated.

We would be grateful if you could respond to this request within two weeks. Thank you for your assistance in this matter.

Regards,

Benjamin Parisi
Contact Information Redacted

<Mexican LGBT Chamber.pdf>

Jamie Baxter Contact Information Redacted

From: on behalf of Antonio Mihajlov Contact Information Redacted
Sent: Monday, May 18, 2015 12:39 PM
To: Jamie Baxter
Subject: Fwd: Confirmation of authenticity of support for new generic Top Level Domain .GAY

Dear Jamie,

I am sending you our letter of confirmation of authenticity of our support to the TLD .gay which I sent a while ago.

I see this has become a lengthy process, I am afraid.

All my best!

Antonio Mihajlov

President

Subversive Front
Association for critical approach to gender and sexuality

address: Makedonija Str. 11/2-10
1000, Skopje, Macedonia
telephone Contact Information Redacted
email:
Skype:
web: www.s-front.org

Follow us on Facebook: www.facebook.com/SubversiveFront

---------- Forwarded message ----------
From: **Antonio Mihajlov** <Contact Information Redacted>
Date: 2015-04-03 16:33 GMT+02:00
Subject: Re: Confirmation of authenticity of support for new generic Top Level Domain .GAY
To: icann cpe <Contact Information Redacted

Dear Benjamin,

Having the authority to indicate the support of Subversive Front for the application of dot.Gay LLC for the gTLD .GAY, I would like to once again confirm that the letter of endorsement we sent on 8 November 2013 is authentic.

Kind regards,

Antonio Mihajlov

President

Subversive Front
Association for critical approach to gender and sexuality

address: Makedonija Str. 11/2-10
1000, Skopje, Macedonia
telephone: Contact Information Redacted
email:
Skype:
web: www.s-front.org

Follow us on Facebook: www.facebook.com/SubversiveFront

2015-04-03 8:39 GMT+02:00 icann cpe Contact Information Redacted:
To whom it may concern:

I am writing to you on behalf of the Internet Corporation for Assigned Names and Numbers (ICANN) in relation to the New gTLD Program. The Economist Intelligence Unit (EIU) has been selected as the Community Priority Evaluation Panelist to authenticate letters from entities providing letters of support or objection to community-based applications.

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We would be grateful if you could respond to this request as soon as possible. We will follow up via email and telephone in the interim on a regular basis.

Thank you for your assistance in this matter.

Regards,

Benjamin Parisi
Contact Information Redacted