

NTAG

The New TLD Applicant Group

Mr. Akram Atallah
President, New Generic Domains Division
ICANN
12025 Waterfront Drive, Suite 300
Los Angeles, CA 90094-2536
USA

cc: Mr. Cherine Chalaby, President NGPC;
Ms. Christine Willett, Vice President gTLD Operations

February 28, 2014

Dear Akram:

We write to you to urge ICANN's immediate attention to a number of outstanding issues in the New gTLD Program, namely: Name Collisions, Auctions, Specification 13, Community Priority Evaluation, and GAC Advice.

Significant delays in addressing these critical issues have yielded significant frustrations and imposed heavy burdens for applicants. As such, attention to a number of applicant needs across this range of issues in advance of ICANN 49 is critical.

Name Collisions

We ask that ICANN host a webinar on the Name Collision Occurrence Management Framework ("Framework") no later than Friday, March 7, and that ICANN reconsider its decision to extend the comment period beyond ICANN 49.

At the ICANN meeting in Buenos Aires many applicants supported the appointment of JAS Advisors to undertake further analysis of the name collisions issue with the understanding that an initial report would be available for public comment in early January 2014. The overall aim was to have a final report signed off by the New gTLD Program Committee (NGPC) during the ICANN Singapore meeting in March 2014. During an applicant update webinar on 23 January 2014, ICANN staff advised that the initial report would be delayed until early February, however, this was not published until February 26, 2014. Applicants are disappointed by this series of delays; given this Framework impacts all program applicants, including those that have already signed a Registry Agreement and been delegated, these delays have seriously impacted applicants' service offerings.

One of our members requested a webinar on the topic early in the public comment period to ask questions and seek clarifications. The response was that no webinar was anticipated, but there would be a briefing in Singapore. As noted above, this is an issue that affects all applicants, including those already delegated. It is critical that the dialogue with the community start earlier rather than later. The NTAG strongly recommends that ICANN host a webinar (two if necessary to ensure inclusion of members from all time zones) no later than March 7. This will enhance the opportunity for stakeholder input and foster a more productive dialogue between ICANN, JAS Advisors, and applicants during the ICANN 49 meeting. Further, this would provide a basis for ICANN to conduct a

NTAG

The New TLD Applicant Group

standard 21-day public comment period on the Name Collisions Framework to avoid further delays in the resolution of this issue, rather than the extended comment period that is currently proposed.

Auctions

We ask that, prior to ICANN 49, ICANN put forward a firm date for the publication of Final Auction Rules and for the first auction round, which should take place no later than early June 2014.

Following the public sessions in Buenos Aires, ICANN staff agreed to post a draft of the Auction Guidelines for public comment, which was warmly welcomed. ICANN staff assured applicants at the time that a public comment period would not impact the timing of the first auction event in March 2014, and the completion of all last resort auctions during the 2014 calendar year. During the recent applicant webinar it was revealed that the first auction event will take place in June 2014. In light of these delays, a firm commitment to applicants regarding the timing of auctions is essential to planning for applicants in contention sets.

Specification 13

We ask that ICANN provide a date for when Specification 13 will be resolved by the NGPC.

It is well understood by ICANN staff that many brand applicants are waiting on the resolution of the Specification 13 discussion before moving forward with contract signing; specifically, during the December applicant webinar, Christine Willett indicated that one of the reasons Contracting Information Requests (CIRs) are not being responded to is because brand applicants are waiting on the outcome of the Specification 13 discussion. During the most recent applicant webinar, applicants were advised that there will likely be no resolution of this matter until the Singapore meeting. Our understanding about the delay in the decision is that the NGPC is the final decision maker on this issue and no schedule had been posted for an NGPC meeting in advance of ICANN 49. Since the webinar, it was announced that the NGPC would hold a meeting on March 5; however, the agenda does not indicate whether Specification 13 will be addressed. We look forward to ICANN's confirmation that the NGPC will positively consider this matter either at the March 5 meeting or when it meets in Singapore.

Community Priority Evaluation (CPE)

We ask that ICANN adhere to the two to three month time period proposed for Community Priority Evaluation.

The first two invitations to CPE were issued on 9 October 2013; a further two were issued on 6 November; and one on 11 December. No further invitations were issued until 19 February 2014, as they were impacted by GAC Category 1 Advice. According to the CPE Guidelines the evaluation process was expected to take two to three months. During the applicant webinar participants were informed that the results of the initial five evaluations are anticipated for 23 March 2014; some five months and four months respectively since the first four invitations were issued. We understand that some of this delay is to allow for quality assurance processes to be conducted on the initial evaluations and that moving forward the evaluation process should be in accordance with the two to three month timeframe. We would implore you to ensure that this timeframe is met.

NTAG

The New TLD Applicant Group

GAC Category 1 Advice

The NTAG asks that ICANN provide applicants affected by the GAC Category 1 Advice with a copy of their baseline Registry Agreement through the Customer Portal that reflects the relevant additional Public Interest Commitments required as a result of the GAC Advice.

Many applicants experienced great relief at the recent resolution of GAC Category 1 Advice that enabled them to move forward through the process, after some 10 months in limbo. Applicants are thankful for ICANN's quick turnaround in issuing CIRs to eligible applicants following resolution by the NGPC. However, we note that in issuing the CIR, ICANN did not inform applicants of the updates to their Registry Agreement stemming from the GAC Advice. Providing applicants with a copy of their updated Registry Agreement will allow these applicants to move through the contracting process more smoothly.

Other Issues

There are other outstanding issues that are standing in the way of applicants proceeding through the process, such as GAC Category 2 Advice and Community Objections that we have not raised in this letter. We also request from you a timeline and plan for when these outstanding issues and the others raised in this letter will be resolved.

In summary we seek the following from you:

- Agree to host a webinar on the Name Collisions Framework report no later than 7 March 2014;
- Provide certainty on the timing for the publication of final auction rules and the first round of auctions;
- Provide certainty on the timing of the resolution of the Specification 13 discussion;
- Moving forward, CPEs meet the two to three month time period for resolution in accordance with the Guidelines;
- Provide applicants affected by GAC Category 1 Advice with a copy of their Registry Agreements that includes the modified Public Interest Commitments.
- Provide an overview of the project plan for ensuring that the remaining items are close to resolution, including the resources available to undertake the existing and future workload.

We appreciate your attention to these requests.

Andrew Merriam
NTAG Secretary