



August 3, 2012

Mr. Kurt Pritz – (*pritz@icann.org*)
Senior Vice President, Stakeholder Relations
ICANN
VIA E-mail Only

Dear Kurt:

I write on behalf of the Intellectual Property Constituency of the Generic Names Supporting Organization, to request that ICANN extend by 30-45 days the August 12 deadline for public comments on new gTLD applications that are intended to be submitted to evaluation panels.¹

This deadline was initially set to track the deadline for issuance of Early Warning notices by the Governmental Advisory Committee. Last week, that deadline was extended to an unspecified date in October, following the ICANN Toronto meeting. See <http://www.icann.org/en/news/correspondence/crocker-to-dryden-27jul12-en.pdf>.

The decision to set the same deadline (60 days after the date on which applications were revealed) both for evaluator-directed public comments and for Early Warning notices was announced in the final Applicant Guidebook, at a time when the total number of applications was unknown. This decision was implemented on June 12, in connection with the Big Reveal, at a time when ICANN was planning to batch applications for processing. Now we know that there are over 1900 applications, far more than nearly anyone anticipated; and it was announced this week that all applications will be evaluated in a single batch. See <http://www.icann.org/en/news/announcements/announcement-29jul12-en.htm>.

In light of these unanticipated and significant changes, we urge you to consider the strong justifications for a modest extension of the evaluator-directed public comment deadline. The 60-day limit seems much less appropriate for nearly 2000 applications than for the 500 or so on which ICANN focused its planning. Reviewing, analyzing and providing thoughtful and useful comments on even a fraction of the more than 100,000 pages of material made public in the Big Reveal is, unavoidably, a time-consuming process. (I would also note that since many IPC members are large membership organizations, and must follow a clearance process before submitting public comments, the effective deadline is even shorter for them.)

There is also an important question of public perception. Many in the community will view ICANN as inflexible and arbitrary if it insists on sticking to the originally established 60-

¹ For convenience, we refer to these as “evaluator-directed public comments.”

day deadline for evaluator-directed public comments, even while the companion deadline for Early Warnings has been extended for at least two months. Indeed, as more members of the public learn that the process of actually submitting comments is far from a trivial task, requiring review of a 16-page user guide, see <http://newgtlds.icann.org/en/program-status/application-comments/user-guide-13jun12-en.pdf>, they will no doubt begin to question how interested ICANN really is in directing to its evaluators the views of the public on these applications. Granting the requested extension will certainly help put these questions to rest.

In previous correspondence, you have raised the concern that extending the evaluator-directed public comment deadline might delay the completion of evaluations. This is certainly not our intent in asking for, and we don't believe it will be the effect of granting, a brief extension of the evaluator-directed public comment deadline. As you have pointed out, "By the end of the initial 60-day window [i.e., the current August 12 deadline], some applications will be through initial evaluation." Thus, the problem of evaluators needing to delay completion of an evaluation in order to take into account public comments already exists, and so a mechanism (basically, promptly forwarding comments to the evaluators for consideration) is in any event needed to solve it. We urge you to consider whether such a mechanism could not readily be adapted to accommodate a brief extension of the public comment deadline. According to this week's announcement, initial evaluation of all applications is not expected to be completed until June 2013, roughly nine months after even an extended deadline; so it seems likely that any additional delay in completing evaluations is likely to affect relatively few applications, and to a relatively limited degree.²

Thank you for considering the views of the IPC as set forth in this letter. We look forward to your prompt response.

Sincerely,

Steve Metalitz, IPC president

cc: Cherine Chalaby, chair, New gTLD Program Committee of ICANN Board
Akram Attalah, ICANN CEO

² The only applications that could experience any delay are those whose initial evaluation is completed between August 12 and a date 30-45 days later, and for which an issue raised in a public comment received during the extended period was not already considered by the evaluators.