December 21, 2012

Christine Willett, General Manager
New gTLD Program
12025 East Waterfront Drive, Suite 300
Los Angeles, CA 90094-2536

Re: Deadlines in New gTLD Program

Dear Christine Willett:

The New gTLD Applicant Group (NTAG) writes to compliment ICANN on the successful Draw process, but also to highlight a growing concern for our group - the continued slippage of clearly defined dates and timelines within the new gTLD program. We have stated before on numerous occasions that predictability in the evaluation and delegation process is of paramount concern for us (please see: NTAG correspondence on July 26 and September 5; RySG correspondence on September 1; and group comments on batching on August 19). It is critical for both applicants and non-applicants alike to have some amount of certainty around the new gTLD process as well as for ICANN to show accountability and transparency to its stakeholders by hitting community agreed upon and announced deadlines.

Despite repeated calls for the need for ICANN to do its utmost to publish and adhere to clear timelines and milestones, ICANN has pushed back or missed a number of key milestones in recent months. Specifically:

Release of Contention Sets: ICANN initially indicated to applicants that string similarity results/contention sets would be released prior to July 11, as that was the initial batching date and contention sets had to be set prior to the start of batching. When digital archery was abandoned, the date for the release of contention sets also moved. The new timeline was given as "four-and-a-half months" after the panel received the strings, leading the new date to be the end of October 2012. At the Toronto meeting, ICANN staff also indicated that results would be published in October 2012. During the Applicant Update Webinar in November, applicants were told that contention sets would be released at the end of December 2012. Then, in the most recent webinar, ICANN informed applicants that contention sets would not be released until January 2013. This is a critical issue for applicants because if we do not know who is in contention with whom, we cannot begin to negotiate with fellow applicants to try and actually *resolve* areas of contention, which will ultimately lead to a further delay in the process.

Release of Background Screening Results: An Information Paper released by ICANN on November 14, 2012, stated, "initial background screening review has been completed." The background screening process is separate and apart from the Initial Evaluation Process. According to the Applicant Guidebook (AGB), background screenings are to be completed prior to the Application Comment and Early Warning Periods' close, as well as prior to the close of the Objection Period. As such, Background Screening results should be released as soon as

possible. Everyone benefits from the timely release of background screening results. If an applicant fails the screening process, the community no longer has worry about filing objections on those applications, ICANN does not have to perform the costly Initial Evaluation on those applications, and the applicant need not wait around churning cash and eventually receive a lower refund amount after learning -- many months after reviews were finalized -- that they failed the background screening. If an applicant passes, the community is much better educated about both the application and the applicant and the public benefits from additional certainty in the process.

Extension of Rights Protection Comment Window: ICANN has just extended the public comment period on new rights protections. Further delay creates additional and unnecessary uncertainty for applicants and their service providers.

Extension of Objection Deadline: Recently, the objection period was extended by two months from January 2013 to March 2013. The community has had plenty of time to consider and prepare for objections. The March 13, 2013, deadline must be final, as any further delay would cause material harm to applicants.

Extension of Completion of Initial Evaluation Results: Initially, applicants were told that initial evaluation results would be published in June 2013; however, now we have been told that panels will not complete their initial evaluations until August 2013 - a difference of potentially over two months.

Release of analysis on the public draw comments: ICANN stated that it would release analysis on all of the submitted comments on the prioritization draw prior to launching the draw. In fact, during the Applicant Update Webinar in November 2012, the analysis was promised the following week. However, the draw officially took place on December 17 with no such release of comment analysis by ICANN.

Clarifying Questions: The initial release date for clarifying questions was November 26, 2012; however, now ICANN is tell applicants they will get clarifying questions in January 2013. Along those lines, applicants were also told that ICANN would be releasing application advisories for Q 25, 30, 48, and 50 prior to the issuing of clarifying questions and at the time of this letter ICANN has only released two of the four advisories. This puts applicants at a disadvantage in terms of being able to answer the clarifying questions according to the review panels' guidelines. Furthermore, this runs the risk of throwing more applications into extended evaluation, thus prolonging the forward progress of the entire program.

Conclusion

Looking back at the overall timeline published in the AGB, the first delegation of new gTLDs into the root has been delayed significantly even before the ongoing delays we highlight in this letter. It is in that vein that we would also like to raise one final point and that is ICANN's lack of acknowledgement regarding the recent correspondence from NTIA, IANA, and VeriSign on

November 5, 2012, stating that they are, "able to process at least 100 new TLDs per week and will commit the necessary resources to meet all root zone management volume increases associated with the new gTLD program." The addition of 100 TLDs into the root per week versus the ICANN stated 20 TLDs per week could have a huge, positive impact on getting TLDs into the root and to market; however, ICANN has yet to address this potential change in the program publicly.

It is critical that ICANN make every effort to adhere to the timeline that was agreed upon prior to the launch of the program. It is understandable that small issues will arise that will cause minor delays but in order to maintain integrity and external faith in the program, ICANN must take the necessary steps to ensure they are executing on the deadlines they set for themselves and delivering on the promises made to the Internet community.

In closing, the NTAG respectfully requests receipt of acknowledgement of its letter and a response to each point raised in **bold** above including our concern noted in the conclusion regarding the discrepancy between ICANN's November 5 statement on processing 100 new TLDs per week. Lastly the NTAG would like to receive a response by Wednesday, January 9, 2013.

Signed,
The NTAG