



February 5, 2013

**VIA ELECTRONIC MAIL  
AND U.S. MAIL**

Mr. Fadi Chehade  
President and CEO  
ICANN  
12025 Waterfront Drive  
Suite 300  
Los Angeles, CA 90094-2536

Kathryn Barrett Park  
Senior Counsel  
Advertising and Brand  
Management

General Electric Company  
3135 Easton Turnpike  
Fairfield, CT 06828  
USA

T 203 373 2655  
F 203 373 2181  
kathryn.park@ge.com

Dear Fadi,

Thanks for your recent note wishing me a fantastic new year and expressing the hope that we could achieve great feats together in 2013. It was so kind of you to reach out to me. I certainly share your hope about the new year and look forward to working with you to achieve real progress on a set of issues near and dear to both of us and to the entities on whose behalf we work.

There were recently a series of secondhand reports regarding comments you made in recent meetings with registrars and registries, which caused some public confusion. What I heard in those reported statements was the voice of someone still relatively new to the job who is firmly committed to doing the right thing and achieving measureable success. The biggest challenge I see facing you in 2013 is determining the right thing, and then defining the meaning of success in a way that best represents the views of the many different constituencies which comprise the ICANN multi-stakeholder model.

I would be delighted to assist you in making good on your commitment, which I believe to be genuine, to work with ALL of ICANN's constituencies to find common ground. To do so, however – as you recently seem to have acknowledged – will take more time than you currently appear to believe that you have. What I don't understand, however, is your reluctance, as "boss," to seek the time you need to make this new gTLD program as robust as possible.

There is no reason to hold yourself hostage to the wishes of those whose only desire is to turn a quick profit and who, because of their enormous financial stake in certain outcomes, are in the best position to commit human and financial resources to promoting their self-interested views. To my way of thinking, your job - much like the job of the properly motivated government regulator - is to evaluate independently whether you are acting in the public interest which, in this situation, includes the interests of those without the ability to travel the world to influence you, or hire high-priced consultants and lawyers to do so.

The Internet community encompasses many beyond registries and registrars. If additional time is needed to get this program right— and GE agrees with you that it is – then you must take more time to launch this program correctly. We firmly believe that if others around the world knew about your desire to delay launch by a year or more, they would support that decision. Why not ask them!

We are submitting reply comments today regarding GE’s view of the need for enhanced rights protection mechanisms. In those comments, which I hope you will have the time to read, we take a brief look at where we were a year ago regarding the new gTLD program and how things have unfolded in the intervening twelve months.

As I am sure you know, extensive hearings were held in the US Congress in December of 2011, raising many of the same troubling issues that you have now inherited. Following those hearings, it was the near unanimous, bipartisan belief in both the Senate and the House of Representatives that it was too early even to open the initial application window because so many questions remained to be answered and so many issues remained to be resolved. But here we are, just a bit over a year later, in much the same position with respect to “readiness” or, should we say, lack thereof, as we were in when those hearings were held. Yet you seem to believe that you are bound to a timetable adopted for no objective reason, even though, as we said in our reply comments, your own instincts, and the experience and wisdom for which you were hired, drive you towards the conclusion that you might well be at the helm of an oversized truck barreling headlong to the edge of a very steep cliff. Only you can decide whether or not temporarily to apply the brakes to avert a potential calamity.

In the comments we are filing today, we quote extensively from a letter sent by Larry Strickling to Stephen Crocker on January 3, 2012, just before ICANN began accepting applications from parties “interested” in applying for new gTLDs. In his letter, Mr. Strickling observed that:

[I]n meetings we have held with industry over the past weeks, we have learned that there is tremendous concern about the specifics of the [new gTLD] program that may lead to a number of unintended and unforeseen consequences and could jeopardize its success. Accordingly, as ICANN moves forward, I urge you to consider implementing measures: (i) to minimize the perceived need for defensive registrations; (ii) to implement promptly ICANN’s existing commitments for law enforcement and consumer protection; and (iii) to ensure better education of stakeholders.

I believe that any objective observer would agree that, despite the passage of time and the well-intentioned efforts of some, including you, all three of these areas continue to generate significant concern. Nonetheless, ICANN’s friends, and we count ourselves among them, continue to advocate for, and be strong supporters of, the multi-stakeholder model. However, as we learned just this past December in Dubai, not everyone around the world feels the same way. It is our deeply held belief that there is no greater threat at this moment to the independence of the Internet than a public demonstration on the world stage that ICANN is not a worthy fiduciary of the enormous responsibilities that have been entrusted to it. No matter how many things ICANN gets right, and by far the majority of what ICANN does it does flawlessly, it will be the one thing that ICANN does not do well that could mar its reign.

Mr. Strickling ended his January 3 letter to Mr. Crocker with exactly that thought:

NTIA is dedicated to maintaining an open, global Internet that remains a valuable tool for economic growth, innovation, and the free flow of information, goods, and services online. We believe the best way to achieve this goal is to continue to actively support and participate in multi-stakeholder Internet governance processes such as ICANN. **How ICANN handles the new gTLD program will, for many, be a litmus test of the viability of this approach.** (Emphasis mine).

The risks are simply too great not to take the time needed to make sure this unprecedented gTLD expansion, when launched, goes as smoothly as reasonably possible and that the benefits of the program truly outweigh its costs, as you will ultimately have the burden of demonstrating under the Affirmation of Commitments. You have many, many friends like me around the world who stand ready to work with you, in good faith, toward this end.

Best personal regards,

A handwritten signature in cursive script, appearing to read "Gary Gary Paul".