



Akram Atallah  
President, Generic Domains Division  
12025 East Waterfront Drive, Suite 300  
Los Angeles, CA 90094-2536

August 10, 2013

### **Ensuring progress in new gTLD delegation: Strings with low risk for name collision and affected by GAC Advice, Category 1**

Dear Mr. Atallah:

I am writing to you today to address two current issues open for resolution through the NTPC: the mitigation of risks stemming from name collision and the handling of applications listed in the GAC's Category 1 Advice from the Beijing Communiqué.

Applicants still "on hold" as a result of being listed in Category 1 now face the prospect of not only indefinite delays while the Board decides how to proceed with that advice, plus a further 120 day delay once the applicant is finally permitted to sign a contract. For those of us with early priority draw numbers, this easily means a delay of half a year or more from what we had planned for just a few months or even weeks ago.

dotHIV gemeinnütziger e.V. (dotHIV), applicant for the .hiv TLD, has the draw number 160, positive evaluation results from as early as April 19, 2013, no objection and no contention. The .hiv string is listed under Category 1. The current situation with its insecurities imposes severe pressure on our work.

Please allow me to provide some explanatory information on the nature of our application and the organization behind it: dotHIV is organized as a charity under German law, with a mission to raise both awareness of and funding for the global fight against AIDS. Our application envisions .hiv as a global resource designed to help fight AIDS by tapping the power of both the Internet itself and Internet users. It's guiding reference in the offline world is the Red AIDS Ribbon, a universal symbol of solidarity that is well understood and accessible around the globe.

The .hiv TLD will be an open TLD. .hiv domains are designed as an inclusive and universal tool for online identity for everyone that has affinity for the fight against AIDS. A key innovation by dotHIV is our built-in micro-donation program, through which dotHIV transfers all economic surplus to HIV project work.

Given the complex social environments we serve and the importance of AIDS, we take the special responsibility of creating and operating the .hiv namespace very seriously. Also, dotHIV understands the need for adequate consumer protections upon the deployment of new TLDs,

and we believe our application for the .hiv TLD and the safeguards which we envision for TLD policies and operations meet or exceed ICANN's requirements in this area.

Fortunately, ICANN can take a number of immediate steps to streamline the process for applicants affected by Category 1 advice, without ignoring either the GAC advice or security and stability concerns.

In particular, we suggest that:

ICANN allow applicants listed in Category 1 to proceed to contracting if otherwise eligible. For these TLDs, an additional provision can be added to the Supplement to the Registry Agreement indicating that the agreement may be subject to further revision to accommodate Category 1 advice if the existing section 1(a)vii is insufficient for this purpose. Further, the Supplement could indicate that TLDs subject to Category 1 advice may not proceed to delegation until any outstanding issues regarding that advice are fully resolved. By allowing eligible applicants to sign agreements at this time, the 120 day window for revoking digital certificates could begin, avoiding the need to incur additional delays once the issues around GAC advice are resolved.

Although this may not be the right choice for all applicants, for the handful of applicants who are otherwise eligible for contracting and delegation but subject to Category 1 advice, ICANN should allow applicants to propose Public Interest Commitments that would satisfy the advice in a manner relevant to our particular TLD.

If, upon review, the staff agrees that the proposed PICs are sufficient to satisfy the relevant GAC Advice, the applicant should be allowed to proceed to delegation after incorporating the PICs into the agreement. Although this would require evaluation by staff, we do not anticipate that more than one of these requests would be raised per week while the board continues to consider a more holistic treatment of the advice. Importantly, however, this approach would allow those of us who are willing and able (and already intended) to implement such safeguards to proceed without being disadvantaged by the fact that the GAC has suggested the very sorts of safeguards that we intend to offer for the TLD.

We are a small organization, founded and run with the sole purpose to use the New gTLD Program to create positive social impact. Taking these procedural suggestions into account would allow us to move forward, while addressing legitimate requirements for safeguards in a way that suits our special field of work.

Sincerely,



Carolin Silbernagl

Chair of the Board and Primary Contact, dotHIV gemeinnütziger e.V.

CC:

*Cherine Chalaby (Chair of the New gTLD Program Committee)*

*Fadi Chehadé (President and CEO of ICANN, Member of the New gTLD Program Committee)*