



Web Synergys Inc.



October 15, 2009

Mr. Rod Beckstrom, Chief Executive Officer
Mr. Peter Dengate-Thrush, Chairman, Board of Directors
Mr. Doug Brent, Chief Operations Officer
Internet Corporation for Assigned Names and Numbers
4676 Admiralty Way, Suite 330
Marina Del Rey, CA 90292

Hon. Janis Karklins
Chairman of the Governmental Advisory Committee
Ambassador of Latvia to France
Via email: janis.karklins@icann.org

Members of the Board of Directors
Internet Corporation for Assigned Names and Numbers
4676 Admiralty Way, Suite 330
Marina Del Rey, CA 90292

Dear Rod, Peter, Doug, Janis and all Board members,

I write to you in my capacity as Chairman and CEO of The Multilingual Internet Names Consortium (MINC) www.minc.org, Member of the ICANN President Advisory Committee on IDNs, (IPAC IDNs) <http://www.icann.org/en/committees/idnpac/>, as well as Chairman and CEO of Live Multilingual Translator www.LMTranslator.com and WebSynergys Inc. www.Websynergys.com

I wish to first offer you my sincere congratulation for achieving what all of you and Dr. Paul Twomey, former ICANN President and CEO, had worked very hard to achieve - an independent ICANN accountable to the global Internet community. Achieving this status has had my unwavering support for years, even when it was not popular. Now that this has been accomplished ICANN's real work must start in earnest.

The Affirmation of Commitments (AOC) is the dawn of a new era and should be celebrated. However, the manner and timeliness in which the AOC is implemented vis-à-vis IDNs and IDN gTLDs; and how fairly, equitably and transparently ICANN and GAC leadership operating within the multi-stakeholder model prioritize them on behalf of the next 4 billion non-English speaking Netizens' needs and interests, will be ICANN's biggest challenge and how the success or failure of its model will be measured.

The full responsibility and accountability now lies squarely on ICANN's shoulders to deliver with safety, stability and security -- not only for the DNS but to the IDN regions who will be severely impacted if corrective measure are not undertaken expediently.

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CHALLENGES AHEAD

Some ICANN challenges may prove harder to overcome due to internal, external and mind set resistances to change which will require structural modification. But change they must. Special interest groups, especially those motivated primarily by profit from the DNS space, strive for greater influence in ICANN processes now that the potential rewards are larger than ever. Their ability to influence ICANN cannot be underestimated if the past is any indication. ICANN must not forget that, and must demonstrate its commitment to, its primary role -- which is to deliver a global public service and not to act as a business incubator at the expense of the next 4 billion IDN Netizens.

SPECIAL INTEREST AND CLAIMS OF ICANN BEING CAPTURED

THE GOLD RUSH 21ST CENTURY STYLE

Proponents and special interest parties well known for being successful entrepreneurs called upon ICANN and its new CEO Rod Beckstrom on September 23, 2009 to launch the NEW gTLDs “without any further delays” <http://www.icann.org/correspondence/van-couvering-to-beckstrom-21sep09-en.pdf>. I believe that many of the signatories, some whom I know well and consider good friends, are genuine in their sentiments against further delays. But I couldn't believe that they would advocate a “stampede to launch” without due care as the letter seemed to imply. Days later we all discovered that at least one had their name used as a signatory to that letter without their prior consent <http://www.icann.org/correspondence/deerhake-to-beckstrom-30sep09-en.pdf>. In addition, lawsuits have started flying even before new gTLDs have been launched, showcasing an ugly side to this process and a possible specter of the nature of things to come. (Although I hope not).

No one wanted new gTLDs to be launched, especially in IDNs, sooner and faster than me and my constituents. When we called for testing of IDNs in the root in 2003 and 2004 many called us Internet breakers. Yet we cannot support a call for a rush while the steps needed to avert many serious negative outcomes and possible disastrous consequences have yet to be achieved.

A CAPTURED ICANN?

The Coalition Against Domain Name Abuse (CADNA) called for a full US government audit of ICANN on September 22, 2009 <http://www.cadna.org/en/newsroom/press-releases/cadna-calls-for-full-scale-audit-of-ICANN>, stating: “ICANN is a captured regulator: ICANN's Generic Names Supporting Organization (GNSO), which develops ICANN's policy, is aligned with business models such as registrars and registries that stand to profit or lose from ICANN's choices”.

THE DOC WASHES ITS HANDS WHILE CONGRESS RAISED CONCERNS

Leaders in the US Congress have also voiced deep concerns. For example, on September

15, 2009 a letter from Lamar Smith and Howard Coble of the House Committee on the Judiciary sent to ICANN President and CEO, Rod Beckstrom, expressed substantial worries regarding the impact of new gTLDs on criminal justice, competition, and intellectual property rights. <http://www.icann.org/correspondence/smith-coble-to-beckstrom-15sep09-en.pdf>.

And yet the AOC clause (5) disavows any responsibility by the U.S. Department of Commerce (DOC) for the shape or form of how new gTLDs, including IDN gTLDs, are rolled out, stating: *“Nothing in this document is an expression of support by DOC of any specific plan or proposal for the implementation of new generic top level domain names (gTLDs) or is an expression by DOC of a view that the potential consumer benefits of new gTLDs outweigh the potential costs”*. It is as if the US Government also anticipates lawsuits and is essentially saying: *“when things go wrong we are not responsible we passed the full buck on Sep 30th 2009 to ICANN.”*

CONTINUED ICANN FAILURES ON IDNs AND POTENTIAL LITIGATION

Add to all this ICANN’s continued failure to adequately and properly address IDNs over the years, encapsulated in recent months by the manner the IRT was formed by ICANN’s Board. ICANN may face an additional law suit frenzy focused on IDN and IDN gTLDs of international proportions, UNLESS corrective measures are taken, ASAP and before launch, to avert or minimize them..

ICANN BOARD, THE IRT, AND THEIR LACK OF IDNs

The IRT’S formation and the strong negative reaction its report received could have been averted, and the substantial efforts by its panelist could have had much greater value, had the ICANN Board and Chairman mandated that IDNs be given proper consideration in its deliberations. The Board should have also mandated that experts on IDN be selected for the IRT team possessing comprehensive IDN policy, technical, and IP law knowledge and expertise. Had the board mandated this the IRT deliberations would have included IDNs and the final IRT recommendations would have been IDN congruent. Instead, most of the IRT recommendations were virtually incompatible with IDNs and impractical for implementation by their prospective communities. I raised this concern during the public forum of the ICANN London event in July and was supported by many IRT members on my contention. The record will also show that many IRT members acknowledged this lack of IDN expertise on the IRT team publicly and wished it was also part of their ICANN mandate. It appears that some of my input has been factored in the 3rd version of the Draft Applicant Guidebook (DAG), but much more remains to be addressed.

UNFATHOMABLE IN 2009

To think that in 2009 the ICANN Board at the leadership of its Chairman, a trademark lawyer, can still approve a resolution to act on anything related to TLD expansion without appropriately factoring in IDNs is unfathomable to me and many members of the



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IDN regions and the international community. Sadly, this is a manifestation of a continued failure and lack of proper representation and prioritization of IDNs on the ICANN board, and the lack of transparency on the nominating committee that selects the ICANN board members.

THE COMMUNITY TREATMENT (OR MISTREATMENT) IN THE GUIDEBOOK

Many in the international Internet community would be forgiven if they hoped that the introduction of IDNs would be done in a way that helped to compensate for the 20 year head start in the domain name market enjoyed by ASCII (English) TLDs, many operated by a small group of for-profit commercial operators who have enjoyed an extremely profitable but effectively closed market that did little to meet the linguistic demands of language communities such as Arabic and Chinese. We are now faced with a situation however where new IDN gTLD operators hoping to serve the requirements of their communities will have to pay far more than the incumbent gTLD operators ever paid to enter the market. The \$185,000 application fee will without a doubt not only act as a considerable barrier but as an obstruction to the deployment of IDN gTLDs to Arabs, Indians or Chinese who want to empower their Netizens to use the Internet in their own languages.

I note that the GAC has come to the same conclusion, urging ICANN to actively consider introducing categories for new gTLDs, given the very different nature of the types of applications ICANN is likely to receive. This is sensible and logical if ICANN is to facilitate the introduction of new gTLDs in a way which reflects the political, cultural and geographic diversity of the Internet. To continue to seek a "one-size-fits-all" approach can only create inequities and result in inappropriate policies for new gTLDs with grave consequences.

Today, the same Arabs, Indians or Chinese who want to empower their Netizens to use the Internet in their own language will be treated in the same manner as applicants for Dot.Gay, claiming to represent the gay community on the Internet (see www.dotgay.com). While I cast no aspersions upon any lifestyle community, it is questionable whether the gTLD application process should treat them and IDN language and culture communities in an indivisible manner.

THE NEED FOR CLEAR PRIORITIES

ICANN's top priority has been and must remain coordinating the technical management of the DNS to assure its security and stability. An impressive, well-reasoned and extensively documented ICANN-commissioned report on "Scaling the Root", released on September 18th, clearly lays out the possibility that ICANN is seeking to introduce too many changes to the DNS simultaneously – DNSSEC, IDNs, new gTLDs, and IPv6 -- and that a failure to set clear and intelligent priorities risks major DNS instability. Were



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ICANN’s failure to ignore its own technical inquiries to result in a serious DNS disruption or Internet “crash” ICANN’s very credibility, and its present operational structure, could be placed in serious and permanent jeopardy at the expense of the global Internet community. And if safety and security of the Internet and validated Internet market needs are to be properly prioritized than IDN gTLDs deployment should without a doubt be in the forefront.

SUMMARIZING THE CHALLENGES AND CONCLUSION

In light of the strength, money and power of the special interest who want to stampede to launch of the new gTLDs and IDN gTLDs “without further delays”, as well as claims that ICANN is a “captured regulator” and that its GNSO “is aligned with business models such as registrars and registries that stand to profit or lose from ICANN's choices”, the ICANN model that many are hailing still faces serious questioning and scrutiny and lacks significant and much needed components to render it functional, at a minimum, on IDNs. Meanwhile, U.S. political leaders have raised great concerns over many issues, while expressing extreme skepticism over the basis for new gTLDs, but have paid scant attention to IDNs.

NOW THE QUESTION THAT STILL DAUNTS THE WORLD’S IDN COMMUNITIES

What chance do IDNs have in fulfilling the hopes, needs and aspirations of the more than 4 billion Netizens awaiting IDN gTLDs unless ICANN demonstrates it is willing and capable to make the unavoidable decisions to correct these inequities before serious damage is done?

THE INEVITABLE ANSWER AND THE ACTION ICANN CAN NO LONGER AVOID

The time has come for IDNs to take up their rightful place- center stage, without any pressures and biases from special business interests (perceived or real) to fulfill the needs, hopes and aspirations of the people they were aimed at serving first and foremost.

(If still in doubt, please review the 2 IDN ICANN resolutions and why the Board adopted them during its Puerto Rico meeting <http://www.minc.org/news.aspx?id=375&lang=en> and which were catalyzed by my public challenge to the ICANN Board the prior day <http://www.minc.org/news.aspx?id=374&lang=en> that took place in June 2007).

MY CALL ON THE ICANN BOARD AND THE GAC

THE NEED FOR A NEW ICANN SUPPORTING ORGANIZATION TO BE CREATED CALLED THE "IDNSO" (INTERNATIONALIZED DOMAIN NAME SUPPORTING ORGANIZATION)

Adding to my call on the ICANN board during the public comment of ICANN’s Sydney meeting, June 2009, I hereby formalize my call on the ICANN Board to

officially create a new ICANN supporting organization called the “IDNSO” (Internationalized Domain Name Supporting Organization).

I also call on the GAC chairman and its members to initiate and conduct a review of my proposal and solicit feedback from the GAC members regarding it.

IDNSO’S PRELIMINARY MANDATE, ROLE, AND STRUCTURE

As I stated in the past, the **IDNSO** is to sit side by side with the GNSO (Generic Name Supporting Organization) and the CCNSO (Country Code Name Supporting Organization). All three SOs will operate separately but cooperatively to make policy and technical recommendations under the separate and distinct mandates placed upon them.

Similar to the GNSO, whose mandates are focused primarily on generic TLDs, and the CCNSO’s focus on Country Code TLDs, the IDNSO, whose time has come, will be mandated to provide leadership and feedback on **all** IDN related matters at all types of TLDs.

All IDN policies in the Gs or the CC’s would then have an opportunity to be made congruent across the G and CC thru the mandates and the recommendations of the IDNSO on what should and should not be recommended on IDNs.

IDNSO LINGUISTIC POLICY FORMATION ROLE FOR THE NEW IDN gTLDs

The IDNSO will have a unique role in working directly with the IETF on IDN technical matters, and the GAC and the GNSO on IDN policy recommendation matters to the board. The IDNSO will also formalize and create comprehensive ICANN linguistic policies, which alarmingly still do not exist to date at ICANN at any level, despite the linguistics ICANN sound bites references in its communiqués.

These IDNSO linguistic policies are a must to satisfy the acceptance and respect of the local language communities’ linguistic and cultural needs and concerns about their languages, which are an extension and integral expression of their identities, in the short, medium and long term prior to rolling out the new IDN gTLDs. The current ICANN plans will allow any “Tom, Dick or Harry” to apply and be authorized to operate an IDN gTLD with little or no say from the local IDN community.

IDNSO ROLE ON THE NEW IDN gTLDs AND REVIEW MECHANISM POST JPA

The IDNSO’s role will be the missing link to a community supported homeopathic rolling out of the New IDN gTLDs. It will prove equal if not more essential to satisfying the technical requirements for a single global interoperable Internet when IDNs are launched. Moreover, it will prove incalculable in helping the GAC and ICANN post JPA in their review mechanisms per the AOC.

MORE DETAILS ON IDNSO

More details are available on the proposed structure and mode of operation, and on the selection and elections of interim and future IDNSO board members, has been prepared -- and I will share these details when formal and proper consultations are initiated by the Board and senior ICANN staff in response to my call.

CONCLUSION

I have no doubt that some may not support such modification to the ICANN structure for a multitudes of reasons, least of all special interest or lack of awareness, but if ICANN is to deliver on its mandate and serve all current as well as future 4+ billion Netizens of the world, the majority of whom will come from the IDN regions, and do it effectively, fairly, equitably, homeopathically and congruently in a manner that will withstand the test of time over the coming decades of the twenty-first century and beyond, this change is unavoidable.

Suffice it to say, absent the creation of the IDNSO in an expedient and timely fashion, and prior to the launch of the new IDN gTLDs, so that all matters with IDNs are addressed in a manner reflecting the needs and aspirations of the IDN local communities and their current and future Netizens first and foremost, the current plans for IDN gTLDs may well cause incalculable damage to the Internet and its DNS at the expense of the communities they were originally intended to serve first and foremost.

Looking forward to your replies, and to observing your actions on the above during the Seoul meeting.

Warmest regards,



Khaled Fattal

Chairman of the Board of Directors, and CEO,
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Chairman and CEO, Live Multilingual Translator www.LMTranslator.com

Chairman and CEO, WebSynergys Inc. www.WebSynergys.com

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