



May 5, 2014

RE: Shared Concerns of the Gay Community

Dear ICANN,

Opportunity and advocacy remain the key ingredients for moving the mark on equality issues relevant to LGBTQIA+ people of the gay community. The past five decades of progress represent the risk and sweat equity of dedicated community members and allies who have organized and capitalized on each critical occasion for progress. Participation in the new gTLD program has been no different and it has required a community effort. It is our hope that ICANN upholds its commitments to embrace diversity, both in terms of community submissions and the acceptable community structures for Community Priority Evaluation (CPE) defined in the Applicant Guidebook.

This letter represents concerns noted by a number of organizations in the gay community (Exhibit A) who have put great faith in ICANN's new gTLD program as an opportunity, yet have felt spurned thus far at the treatment of gay community interests and our advocacy to acquire a community operated TLD. It is our goal to further highlight how our community operated during the new gTLD program and how our method of operation has subjected us to rejection and discrimination at various stages. Not unlike the stakeholders operations of the ICANN community, the gay community also operates as a multi-stakeholder community of varied constituents comprised of LGBTQIA+ people and stakeholder groups that serve varied goals, roles and responsibilities.

From ICANN's official Applicant Guidebook, the gay community welcomed the sense of diversity inclusion within the CPE definition of "community," which clearly embraced multiple and differing community structures. It is our hope that ICANN will recognize the prejudices introduced to the current definition of "community" being used by the EIU's CPE evaluators to ensure that further prejudice by ICANN and the CPE process does not victimize the gay community.

Since 2009, LGBTQIA+ people of the gay community have come together to enrich the community application by dotgay LLC for the .gay TLD. This support began long before dotgay LLC filed their application, and continues to this day, including the ongoing development of the dotgay Registry Advisory Board governance model. The community group that now supports the dotgay application has grown to 240+ diverse global LGBTQIA+ organizations, groups and businesses from 66 countries.

dotgay LLC has organized a multi-stakeholder process for the gay community to participate in the new gTLD program. As we learn more about the multi-stakeholder process we have become aware that ICANN, while

world famous for its multi-stakeholder process and community, has not followed this process in its community applications. We believe that this has resulted in a double standard that may disadvantage our community, and one which seems counterintuitive to the highly praised model which currently serves the governing body of the Internet.

From the visionary beginnings of .gay, through the objection process and now into the CPE, the LGBTQIA+ stakeholders of the gay community are condemned to an external role by the ICANN process. In the first place, the application required that a single organization make the application. The community architecture consists of distributed groups of community organizations, each dealing with a different issue or sub-segment of the community. Like the Internet, the gay community is a network of communities, all dedicated to the well-being of the LGBTQIA+ population.

The gay community organizations are the result of a century of coming together in response to the community's need to protect and care for the oppressed, persecuted and endangered members of our community. A need that is still very much essential in today's world. When the community needs to do something, the various concerned organizations unite for the cause. In this case, since operating a TLD is not part of the natural skill set within our existing community organizations, dotgay LLC took the lead on behalf of the community organizations supporting a community approach to the .gay TLD. dotgay LLC applied in the name of the community, with the resounding support of LGBTQIA+ organizations around the world.

When it was time to object to the standard applications whose sole intent in appropriating relevant community names was to simply earn money under operating models that exclude community input and create harm to the gay community, again LGBTQIA+ members of the gay community attempted to file community objection, but ICANN processes limited objections to a single organization per fee paid. So despite an aggregated action of many community organizations, ILGA, a respected global ECOSOC NGO needed to take the lead. To file multiple objections, would have required the community to pay multiple fees, money our community does not have.

Although the ILGA objection carried support from 40 other organizations, and despite the expert acknowledging "harm" if the gay community did not get their own TLD under .gay to operate in a manner consistent with community interest, the expert deferred the decision to the CPE, putting the responsibility in the CPE evaluators hands to ensure the gay community avoids harm by getting their own TLD under dotgay LLC's application for .gay. The objection expert's certainty with success in CPE in no way represents the proper protections being sought, but it does act as a clear indication that the gay community must be issued their own TLD under .gay to avoid harm to the community by the standard applicants.

As the dotgay LLC application prepares to go through the CPE process, it is once again obvious that ICANN, while priding itself a multi-stakeholder organization composed of many organizations, has made it challenging at best for other multi-stakeholder communities to participate. The definitions that have been provided for the CPE by the Economist Intelligence Unit (EIU) in contract to ICANN, may indeed harm distributed communities when being judged for delineation, though this is contrary to the intention of the Application Guidebook, which states:

"it should be noted that a community can consist of legal entities (for example, an association of suppliers of a particular service), of individuals (for example, a language community) or of a logical alliance of communities (for example, an international federation of national communities of a similar nature)."

Whether this is due to lack of understanding of the Applicant Guidebook (and the spirit of the GNSO policy from which it was created) or is willful prejudice, it represents an infringement of the gay community's right to expression, assembly and association.

As members of the community have engaged with dotgay LLC in a bottom-up process to design and build this community TLD, we have shared concerns about this situation, a situation that is prejudiced against our community's distributed nature. This concern is shared by others in the community, including those who have all made a point to ensure they were named in this letter.

What began as an opportunity to obtain an important resource for the gay community, supported with strong advocacy from within the community, has now become part of the ongoing fight to overcome prejudice that our community is regularly subjected to. We sincerely hope ICANN and the CPE evaluators closely examine the intended spirit of diversity and community in the Applicant Guidebook as they begin to review dotgay LLC's community supported application for .gay. To find our community in this circumstance, while ICANN is claiming leadership in the area of accountable multi-stakeholder public service organizations, is painful.

Best regards,

A handwritten signature in black ink, appearing to read "Scott Seitz", with a long horizontal flourish extending to the right.

Scott Seitz
President & CEO
dotgay LLC

Exhibit A:

Aibai Culture & Education Center	China
Asociación "OMBRES"	Guatemala
Atlanta Pride	USA
BelongTo	Ireland
Boston Pride	USA
Brussels Gay Sports	Belgium
cavaria	Belgium
COC	Netherlands
ELEMENT Magazine	Singapore
Equal India Alliance	India
European Gay Lesbian Sports Federation	Netherlands
Federation of Gay Games	France
Gay European Tourism Association	France
KwaZulu-Natal Gay & Lesbian Tourism Association	South Africa
LGBT Technology Partnership	USA
National Center for Lesbian Rights	USA
National Gay & Lesbian Real Estate Professionals	USA
Nəfəs (Breath) LGBT Azerbaijan Alliance	Azerbaijan
PFLAG South Africa	South Africa
Pride Foundation	USA
Rainbow Wellington	New Zealand
The DC Center	USA
The Global Alliance for LGBT Education	Netherlands
United Belize Advocacy Movement	Belize