

NEELIE KROES

VICE-PRESIDENT OF THE EUROPEAN COMMISSION

Brussels, 06.04.2011
Ares (2011) 384150

Dear Gary

I am writing to express my concern regarding the recent decision by ICANN on 18th March in its meeting in San Francisco, to approve the proposed Internet Top Level Domain (TLD) ".XXX".

As you will be aware, the Governmental Advisory Committee (GAC) of ICANN advised the ICANN Board on numerous occasions about its public policy concerns in relation to this application, - the latest occasion being in San Francisco on 17th March. Many other non-governmental stakeholders have also expressed a range of concerns over several years.

In other words, the ICANN Board has determined to proceed with this proposal despite being well aware that it does not have the support of significant parts of the global Internet community.

I am particularly concerned with the absence of a mutually acceptable conclusion between the GAC and the ICANN Board, including in relation to the following specific issues:

- On 17th March 2011, the GAC confirmed the consensus view of its members that there was no active support for the .XXX application. In addition, the GAC confirmed that some GAC members remained "emphatically opposed" to it, as they were when the GAC first provided advice to the Board in 2006. (In fact, in the San Francisco meeting, a number of additional GAC members decided to add their voice to such opposition).

- The GAC also expressed specific concerns to the ICANN Board about the potential collateral implications for global Internet stability that result from introducing a TLD that may be blocked by some governments. Despite the Board's view that there was no evidence of risks for the stability of the Internet "if some blocking occurs", we understand that the Board did not seek the advice of its own Security & Stability Advisory Committee on this issue. In the interim, there are already reports that at least one major country may be considering the blocking of .XXX at the national level, and that others may follow. This is a major public policy concern, not only because of the unknown effects it may have in terms of Internet stability but also because of the implications such blocking may have for Internet censorship and freedom of expression.

Secretary of Commerce Mr. G. Locke
U.S. Department of Commerce
1401 Constitution Ave., NW
Washington, DC 20230, United States of America