

Paris, June 4 2012

Dr. Steven D. Crocker, Chair, ICANN Board of Directors  
Mr. Cherine Chalaby, Chair, ICANN New gTLD Program Committee

Dear Steve, Dear Cherine,

We are writing to you to express our serious concerns over the proposed batching process that ICANN has indicated it will initiate on June 8, 2012.

Group NBT has been involved in the new gTLD program since its inception. As a member of the GNSO community, we have devoted a significant amount of time and resources to our participation in the bottom-up development process that has led to this major program becoming a reality.

With around 2,000 applications in the first window that closed a few days ago, on May 30, we understand the requirement for some kind of phased approach to managing these. ICANN has proposed splitting the applications into batches of 500. An unfortunate side effect of this process is that it is unfairly advantageous for those applications that are considered in earlier batches. This generates a strong demand from applicants to get into the first batch.

As a solution, ICANN Staff has implemented a "*Digital Archery*" (DA) system, with little community consultation. ICANN Staff described an initial draft of this process to the GNSO during one of its weekend sessions at the Dakar ICANN meeting in October 2011. Staff then confirmed the DA process at the Costa Rica ICANN meeting in March. The community was afforded no opportunity to comment on the process in between those two meetings.

As it stands, DA risks generating applicant confusion. It is a contentious system that seems to favour those with in-depth knowledge of the second-hand domain industry and more specifically, its drop-catching techniques. It is a hastily put-together last minute patch which may give rise to frustration from those applicants whom, either through lack of understanding of the system or simply bad luck, see themselves relegated to a later batch and have to wait up to two years for their application to be considered.

We urge the ICANN Board to hold off on initiating the batching process through DA on June 8. The next ICANN meeting, in Prague, is just a few days away. It provides the ideal opportunity for a community-wide consultation on how to best tackle the processing of 2,000 applications to ensure that all applicants are given fair and equal treatment.

ICANN saw fit to take its TLD Application System (TAS) offline at the last minute and keep it that way for over a month as it sought to identify and correct a computer problem. We urge that the same flexibility be exercised with regards to batching, so that the currently proposed system, which is clearly flawed and unfair, be re-examined and adapted.

Yours sincerely,

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