



EUROPEAN COMMISSION  
Information Society and Media Directorate-General

The Deputy Director-General

Brussels, 16 SEP. 2005  
DG/PZ/wd/2005/D/639164

Dear Mr. Cerf,

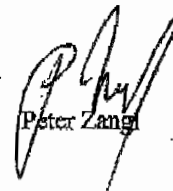
I am writing to you in regard to the decision of the Board of ICANN on 1 June to enter into commercial and technical negotiations with the candidate registry, ICM Registry, Inc, for a new generic Top Level Domain (.XXX).

As you know, during the session between the GAC and the Board in Luxembourg in July, the Commission as well as several government representatives expressed concern to the Board on the procedure followed in this application. In particular, several representatives were concerned about the fact that the decision to proceed on 1 June was taken before the publication of the evaluation report and any opportunity to discuss this report in the GAC. You will recall that in the previous selection procedure in 2000, the report had been published and the GAC consulted by the ICANN CEO prior to the Board decision on 16 November 2000. Such an approach is of course consistent with the provisions of the ICANN by-laws (Article XI, section 2.h) For this reason, there was an expectation on our part (and it seems many other GAC members) that a similar opportunity would have arisen to comment at the same stage of the application procedure.

Moreover, while the .xxx TLD raises obvious and predictable public policy issues, the fact that a similar application from the same applicants had been rejected in 2000 (following a negative evaluation) had, not surprisingly, led many GAC representatives to expect that a similar decision would have been reached on this occasion. While there may be very good reasons why ICANN have decided otherwise on this occasion, such a change in approach would benefit from an explanation to the GAC.

I would therefore ask ICANN to reconsider the decision to proceed with this application until the GAC have had an opportunity to review the evaluation report.

Yours sincerely,



Peter Zangl

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