

Canadian Centre for Diversity and Inclusion Centre canadien pour la diversité et l'inclusion

Board of Directors
Internet Corporation for Assigned Names and Numbers ("ICANN")
12025 Waterfront Drive, Suite 300.
Los Angeles, CA 90094-2536.

Monday August 8, 2016

Open Letter

I am writing to express my deepest concern on the treatment by ICANN of dotgay LLC's ("dotgay") application to administer the proposed .gay top level domain (TLD).

The Canadian Centre for Diversity and Inclusion ("CCDI") is a national registered charity with the mission to help those we work with be inclusive, free of prejudice and discrimination – and to generate the awareness, dialogue and action for people to recognize diversity as an asset and not an obstacle.

I have been familiar with dotgay's application to become the administrator of the .gay domain for more than 5 years now. My original interaction was in my capacity as the Deputy Chief Diversity Officer for KPMG International, and as Founding Chair of Pride at Work Canada. I supported the application then, and that support has not waivered.

It comes as a significant surprise to me that 5 years on, dotgay is still fighting to have its application approved by ICANN.

I met with a representative of dotgay today and am aware of the processes they have undertaken over the past 5+ years. I have read the report from the Office of the Ombudsman for ICANN (Case 16-00177) which finds dotgay has been treated unfairly by ICANN and recommends the ICANN Board "should grant the community application status to the applicant and put an end to this long and difficult issue."

This circumstances of this matter raises two concerns: **Is ICANN homophobic and transphobic or simply indifferent to its responsibilities?**

ICANN is a registered 501(C)(3) corporation, established to be responsible for coordinating the maintenance and procedures of several databases related to the namespaces of the Internet. More specifically, according to ICANN's website "To reach another person on the Internet you have to type an address into your computer - a name or a number. That address has to be unique so computers know

2 Carlton Street, Suite 820 | 2, rue Carlton, bureau 820
Toronto, Ontario M5B 1J3

☎ +1 (416) 968-6520 📠 +1 (888) 279-3252 🌐 www.ccdi.ca



where to find each other. ICANN coordinates these unique identifiers across the world. Without that coordination we wouldn't have one global Internet.”

In other words, **ICANN controls access to the internet**. Its position provides a significant amount of power that if unchecked, can have significant ramifications, as we are seeing in this instance.

Is ICANN Homophobic and Transphobic?

By all accounts, dotgay has not only met, but exceeded expectations of a Community Priority application for a TLD. dotgay has undertaken to secure the support of hundreds of community-based organizations, representing millions of LGBT+ identified individuals around the globe. The LGBT+ community universally supports the creation of the “.gay” TLD. Yet, ICANN has effectively ‘split hairs’ with the dotgay application by taking issue with the word “gay” as a broad identifier for those who identify as members of the LGBT+ community.

The appearance of ICANN’s treatment of the dotgay application raises questions about ICANN’s support and comfort level with matters of sexual orientation and gender identity and expression, and with the LGBT+ community generally. As indicated on ICANN’s own website, “Within its mission and in its operations, ICANN will be committed to respect internationally recognized fundamental human rights.”

UN Free & Equal and the United Nations Human Rights Office have made that recognition crystal clear: internationally recognized fundamental human rights includes sexual orientation and gender identity and expression. According to UN Secretary-General Ban Ki-moon “We are all different, but we all have the same human rights. I am proud to stand for the equality of all people – including those who are lesbian, gay, bisexual and transgender.”

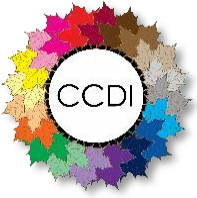
We would like to believe that ICANN truly shares the values that are internationally recognized and embodied in its own governing documents. This leads us to the second question:

Is ICANN simply indifferent to its responsibilities?

In July of this year the .web TLD was sold for \$135M to Nu Dot Co which now has the exclusive rights to sell this TLD. The .shop TLD had previously held the record sale price at \$41.5M. Since 2014, ICANN has netted over \$230M at auction for the sale of 17 TLDs, in addition to TLD rights sold without auction, and whatever royalties it receives subsequently.

ICANN current has 14 TLD string contention sets, with between 2 and 11 applicants each. Three of these string contention sets have already been set to go to auction. If all 14 TLD string contention sets were to go to auction, it will represent a significant revenue for ICANN.

The point is that there is little incentive for ICANN to approve the dotgay application because it will represent a significant loss in revenue.



The LGBT+ community has historically faced a significant amount of discrimination and bias, and today there are still 73 countries where it is illegal to be LGBT+. Even in countries where being LGBT+ is not illegal, members of the community face higher levels of intolerance, inequity and even violence. A community supported .gay TLD will ensure the community is protected from potential abuse.

dotgay is the only applicant for the .gay TLD that is making its application with the broad support of the community, and with the best intention of safeguarding the LGBT+ community from abuse by restricting use of the TLD to registrants whose purpose is supportive of the LGBT+ community.

ICANN has a responsibility to help ensure the .gay TLD is not used in contradiction to its commitment to international human rights. The dotgay Community Priority Evaluation application exceeds expectations and we would encourage the ICANN Board of Directors to approve their application as soon as possible.

Sincerely,

Michael Bach, CCDP/AP
CEO

CC:

- Secretary Penny Pritzker, Secretary of Commerce (United States of America)
- Honourable Navdeep Bains, Minister of Innovation, Science and Economic Development (Canada)
- Andreea Brambilla, Economist, International Telecommunications Policy, Innovation, Science and Economic Development (Canada)
- Pamela Miller, Director General, Telecommunications Policy Branch, Innovation, Science and Economic Development (Canada)
- Jamie Baxter, VP of Marketing, dotgay LLC