



July 30, 2012

Akram Atallah  
Interim Chief Executive Officer  
Internet Corporation for Assigned Names and Numbers  
4676 Admiralty Way, Suite 330  
Marina del Rey, CA 90202-6601 USA

Dear Mr. Atallah:

On behalf of the Association of National Advertisers (“ANA”), we respectfully suggest that ICANN extend the Generic Top Level Domain (“gTLD”) application public comment window, scheduled to close on August 12, 2012. Due to the large number of applications and the numerous policy and technical issues that have developed since the applications were publicly released, an extension is necessary to ensure the public has adequate time to evaluate the risks and merits of each of the 1,930 applications ICANN received.

“Public comment mechanisms are part of ICANN’s policy development, implementation, and operational processes.”<sup>1</sup> These mechanisms are not useful, however, if they do not allow the public adequate time to evaluate the subject matter on which comments are sought. When ICANN initially approved the gTLD Program in June 2011, ICANN’s own planning and financial estimates only envisioned 500 applications; it is possible that a sixty-day comment window might have been sufficient to evaluate that number of applications. However, almost *four times* that number of applications has been received, and so a mere sixty days is not enough time for the public to evaluate the details of the many string applications that may impact their interests. It is clear that adequate review of the gTLD applications takes time and careful attention to corporate, financial and technical details, as well as applicant criminal history. Commenters must take care that no false allegations or characterizations are made, and to do this, it may take a commentor several weeks to research and craft a coherent comment on just a single application. This necessary diligence cannot possibly be performed in sixty days for almost two thousand applications. Because these thorough and thoughtful comments have the ability to shape the Initial Evaluators’ decisions – and because that evaluation may take fifteen months to complete – it is entirely reasonable for ICANN to extend the comment window.

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<sup>1</sup> Applicant Guidebook § 1.1.2.3 (June 4, 2012).

Recent decisions by ICANN's Governmental Advisory Committee ("GAC") provide further evidence and justification for extending the public's opportunity to comment on the large number of applications. Similar to the Public Comment window, the GAC Early Warning period was also scheduled to last for a mere sixty days. However, the GAC has stated that it will not issue any Early Warnings until after ICANN 45, which will not take place until mid-October 2012.<sup>2</sup> ICANN has noted that "flexibility" was built into the Early Warning process<sup>3</sup>, and there is no reason why that same flexibility cannot be extended to the Public Comment period.

Public comments play an important role in giving the Independent Objector ("IO") standing to file a formal objection.<sup>4</sup> Given the restrictive standing requirements for the four dispute resolution processes, the ability of the Independent Objector to commence an action is vital to protecting the public. These public comments play an important role in the IO's decision to file an objection, so the public should have the most – not the least – amount of time possible to draft well supported and reasoned comments for the gTLDs that will shape the Internet's future.

The sheer volume of applications plus the recent decisions of the GAC speak in favor of giving the public more time to comment. Therefore, we the undersigned respectfully suggest that ICANN extend the comment period by at least 180 days for interested parties to completely review the record and file thoughtful public comments that will be given the full benefit of review by all relevant evaluation panels.

Sincerely,



Robert D. Liodice  
President and Chief Executive Officer

cc: The Honorable Rebecca Blank, Acting U.S. Secretary of Commerce  
Mr. Lawrence E. Strickling, Administrator, National Telecommunications and  
Information Administration, U.S. Department of Commerce

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<sup>2</sup> Letter from Heather Dryden, Chair, Governmental Advisory Committee, to Dr. Stephen Crocker, Chairman, ICANN Board of Directors (June 17, 2012), *available at* [https://gacweb.icann.org/download/attachments/1540128/GAC+Letter+to+Steve+Crocker\\_New+gTLD+Application+Processing\\_20120617.pdf?version=1&modificationDate=1341945307000](https://gacweb.icann.org/download/attachments/1540128/GAC+Letter+to+Steve+Crocker_New+gTLD+Application+Processing_20120617.pdf?version=1&modificationDate=1341945307000).

<sup>3</sup> Responses to Questions Noted During GAC Discussion on New gTLDs, ICANN (May 22, 2012), [https://gacweb.icann.org/download/attachments/1540128/Responses+to+GAC+Questions\(22May12\).pdf?version=1&modificationDate=1337880692000](https://gacweb.icann.org/download/attachments/1540128/Responses+to+GAC+Questions(22May12).pdf?version=1&modificationDate=1337880692000)

<sup>4</sup> Applicant Guidebook § 3.2.5 ("[T]he IO shall not object to an application unless at least one comment in opposition to the application is made in the public sphere.").

Ms. Fiona M. Alexander, Associate Administrator, Office of International Affairs, National Telecommunications and Information Administration  
Ms. Suzanne Radell, Senior Policy Adviser, NTIA, U.S. Department of Commerce  
John D. Rockefeller, Chairman, Committee on Commerce, Science and Transportation, U.S. Senate  
Patrick J. Leahy, Chairman, Committee on the Judiciary, U.S. Senate  
Thad Cochran, Ranking Member, Committee on Appropriations, U.S. Senate  
Kay Bailey Hutchison, Ranking Member, Committee on Commerce, Science and Transportation, U.S. Senate  
Charles E. Grassley, Ranking Member, Committee on the Judiciary, U.S. Senate  
Barbara Mikulski, Chair, Subcommittee on Commerce, Justice, Science and Related Agencies, Committee on Appropriations, U.S. Senate  
Al Franken, Chairman, Subcommittee on Privacy, Technology and the Law, Committee on the Judiciary, U.S. Senate  
Tom Coburn, Ranking Member, Subcommittee on Privacy, Technology and the Law, Committee on the Judiciary, U.S. Senate  
Ron Wyden, Chairman, Subcommittee on International Trade, Customs, and Global Competitiveness, Committee on Finance, U.S. Senate  
Harold Rogers, Chairman, Committee on Appropriations, U.S. House of Representatives  
Fred Upton, Chairman, Committee on Energy and Commerce, U.S. House of Representatives  
Lamar Smith, Chairman, Committee on the Judiciary, U.S. House of Representatives  
Norm Dicks, Ranking Member, Committee on Appropriations, U.S. House of Representatives  
Henry A. Waxman, Ranking Member, Committee on Energy and Commerce, U.S. House of Representatives  
John Conyers, Ranking Member, Committee on the Judiciary, U.S. House of Representatives  
Bob Goodlatte, Chairman, Subcommittee on Intellectual Property, Competition and the Internet, Committee on the Judiciary, U.S. House of Representatives  
Howard Berman, Ranking Member, House Committee on Foreign Affairs  
Frank Wolf, Chairman, Subcommittee on Commerce, Justice, Science and Related Agencies, Committee on Appropriations, U.S. House of Representatives  
Mel Watt, Ranking Member, Subcommittee on Intellectual Property, Competition and the Internet, Committee on the Judiciary, U.S. House of Representatives  
Chaka Fattah, Ranking Member, Subcommittee on Commerce, Justice, Science and Related Agencies, Committee on Appropriations, U.S. House of Representatives  
Gregory P. Walden, Chairman of the House Energy and Commerce Subcommittee on Communications and Technology  
Anna G. Eshoo, Ranking Member, Communications Subcommittee of the House Energy and Commerce Committee