

**Government Advisory Committee
Chairman**



Vint Cerf
Chairman of the Board
ICANN

Kuala Lumpur/Geneva
2 February 2007

Response to ICANN call-for-comments on the revised proposed agreement for the .XXX sTLD

The Governmental Advisory Committee (GAC) notes ICANN's announcement of 5 January 2007 seeking public comments on a revised proposed agreement for the .xxx domain.

The GAC convened a teleconference on 17 January 2007 to discuss its reaction to abovementioned call. The GAC members who participated in the teleconference noted that the modifications to the proposed agreement are intended to address public policy issues raised by the GAC in its Wellington, New Zealand Communiqué of March 2006.

The Wellington Communiqué remains a valid and important expression of the GAC's views on .xxx. Taking into account the GAC operating principles and traditions, it is unlikely that the GAC will be in a position to provide any comments on .xxx, above and beyond that provided in the Wellington Communiqué, before the next meeting in Lisbon. This of course does not preclude individual GAC members providing input.

We note that the Wellington Communiqué also requested written clarification from the ICANN Board regarding its decision of 1 June 2005 authorising staff to enter into contractual negotiations with ICM Registry, despite deficiencies identified by the Sponsorship and Community Evaluation Panel. Notwithstanding the ICANN President's letters to the GAC Chair on 11 February and 4 May 2006, as GAC Chair and GAC Chair Elect, we reiterate the GAC's request for a clear explanation of why the ICANN Board is satisfied that the .xxx application has overcome the deficiencies relating to the proposed sponsorship community.

In Wellington, the GAC also requested confirmation from the ICANN Board that the proposed .xxx agreement would include enforceable provisions covering all of ICM Registry's commitments. The GAC notes that the ICM Registry referred to this request in material it posted on 5 January 2007, but that ICANN Board has yet to provide such confirmation to the GAC.

GAC members note that the deadline for submissions for the current public comments process is 5 February 2007 and assume that the necessary analysis of stakeholder comments that have been received will begin after this date. GAC members feel therefore that if ICANN intends to seek further formal GAC advice (in addition to that provided in Wellington) it would be appropriate to hold face-to-face discussions between GAC and the ICANN Board in Lisbon in March 2007. At this point, GAC members will have had the opportunity to discuss the issue themselves and the ICANN Board would be in a position to report on the results of the public consultation as well as address the other outstanding issues noted above.

Finally, we draw your attention to the fact that the Wellington Communiqué highlighted that several GAC members were "emphatically opposed from a public policy perspective to the introduction of an .xxx sTLD" and that this was not contingent on the specificities of the proposed agreement.

In the interim and given the significant public and governmental interest in this matter, GAC members would urge the Board to defer any final decision on this application until the Lisbon meeting.

Yours sincerely,

-signed-
Mohamed Sharil Tarmizi
Chairman

-co-signed-
Janis Karklins
Chairman Elect