Africa's map in the digital inclusion!

25 April 2011

The Chief Executive Officer
Internet Corporation for Assigned Names & Numbers (ICANN)
4676 Admiralty Way, Suite 330, Marina Del Rey, CA 90292-6601
United States of America

Dear Sir,

Subject: ***GAC comments on the ICANN Board's response to the GAC Scorecard***

DotConnectAfrica (DCA) organization intends to apply for the ".africa" geographic names gTLDs, and we wish to communicate our concerns regarding the recent GAC Comments expressed as follows:

2. Further requirements regarding geographic names

8.2.1 (1A) GAC Scorecard proposal:

The GAC clarifies that it is a question of national sovereignty to decide which level of government or which administration is responsible for the filing of letters of support or nonobjection. There may be countries that require that such documentation has to be filed by the central government - also for regional geoTLDs; in other countries the responsibility for filing letters of support may rest with sub-national level administrations even if the name of the capital is concerned. GAC requests some clarification on this in the next version of the Applicants Guidebook.

Board response:

This principle is agreed, and this can be clarified in the Guidebook. ICANN invites governments to identify appropriate points of contact on this issue.

DCA's Comment:

As a prospective applicant to a high-level continental geographic name such as ".africa", it should be obvious for ICANN who will be providing the support.   The relevant government appointees should be the Ministers who are concerned with policy and technology for the countries. While Heads of Political appointees such as African Union may give political support, the support provided by Ministries should be seen to weigh more relevant to the work of ICANN than political support of Heads of States.

8.2.2 (1B) GAC Scorecard proposal:

According to the current DAG, applications will be suspended (pending resolution by the applicants), if there is more than one application for a string representing a certain geographic name, and the applications have requisite government approvals. The GAC understands such a position for applications that have support of different administrations or governmental entities. In such circumstances it is not considered appropriate for ICANN to determine the most relevant governmental entity; the same applies, if one string represents different geographic regions or cities. Some governments, however, may prefer not to select amongst applicants and support every application that fulfils certain requirements. Such a policy may facilitate decisions in some administrations and avoid time-consuming calls for tenders. The GAC encourages ICANN to process those applications as other competing applications that apply for the same string.

Board response:

ICANN will continue to suspend processing of applications with inconsistent/conflicting support, but will allow multiple applicants all endorsed by the same authority to go forward, when requested by the government. This area needs further discussion on the potential situations that could lead to redelegation requests.

DCA's comments:

As a prospective applicant to a geographic name sting ".africa", DotConnectAfrica is overly concerned on GAC's request for multiple approvals of the same string based on the following:

1. Multiple approval or endorsement by governments may have come at exponentially different timing where a government may have endorsed one party 1-2 years ahead of time, and which may have **exposed the prior approved applicant to a financial and business risk**, as the applicant has already disclosed its business and marketing model; whereas other parties may seek the same opportunity to initiate an application riding off the efforts of the first applicant for government approval and endorsement ; whereas the government may become an unwitting or witting participant to this damage to first applicant. Therefore, ICANN should accept in this particular case, first come first serve basis, unless the governments can show that they have awarded support to multiple applicants at the same period.

2. Given that ICANN is the one that is giving a mandate and evaluating the entire process of awarding a gTLD, DCA is having a hard time to comprehend why the governments need to go to a tender process to evaluate the best bidder. It is our understanding that governments support "an idea" of a gtld and do not get involved in evaluation of the process. Not only this will create a parallel competition to the ICANN bid process, **DCA believes this is best performed by ICANN since most governments or inter-governmental authorities are not even aware of what the ICANN process entails and as such lack implementation capacity due to paucity of technical knowledge**. Against this backdrop, the possibility of governments involved in evaluating tenders may create room for the introduction of an opaque process to the interest of the few that the government may favour to work with, which should not be acceptable by ICANN. In particular, as already mentioned, where governments do not have the capacity to evaluate a registry system or a qualifying bid.

3. Drawing from the above two scenarios, ICANN should, based on its own high ethical standards, **also consider and** should have a window for applicant's **to complain or provide evidence of any issues that they have of an endorsement**. **ICANN should make a confidential review of any information provided so that it can make an independent assessment**. This is because DCA believes a government, particularly those within the developing economies where proper governance structure and legislative mechanisms are weak and not well developed regarding issues of transparency, accountability, disclosure of conflict of interest and rule of law, and as such **opportunities for mishandling approval process may occur and considerable damage may be suffered by a suitably qualified applicant**.

4. Finally, ICANN should press strong **emphasis the complexities of government approval process** for multiple parties and stay the course with re-delegation requests if the successful applicant did not finally execute according to the best practices of expected results.

DCA submits this both on **behalf of Africa and ICANN,** simply to ensure that the launch of ".africa" gTLD is not held up with legal and procedural roadblock. DCA takes seriously the bigger dream of a **whole continent of "generation.africa" to get their online identity as championed by ICANN's new gTLD process,** and the dreams are not shattered in this current round!

Thanking you in anticipation as we hope that our concerns would be adequately addressed and cause a review.

Most respectfully yours,

Sbekele

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cc. Chairman of ICANN, Internet Corporation for Assigned Names & Numbers (ICANN)   2