

Dear Dr. Crocker and respected members of the Board,

On behalf of the Non-Commercial Users Constituency (NCUC) and its Executive Committee, I am writing to express our hope that the ICANN board will not approve the GNSO's "Motion to recommend to the Board a Solution to Protect certain Red Cross/Red Crescent (RCRC) and International Olympic Committee (IOC) Names at the Top-Level in new gTLDs." This motion received a majority vote of the GNSO in its 'special' meeting on March 26, 2012.

The special protections created by this resolution raise significant policy issues and, if they are rushed through, will have a detrimental impact upon ICANN's new gTLD program and international laws and conventions. Furthermore, the whole process by which these special privileges were created raises serious procedural questions. It was for these procedural reasons that the entire NCSG Stakeholder Group voted to abstain. As a group the NCSG council representatives felt that the entire motion was illegitimate and thus did not even merit a NO vote.

The most worrying aspect of this process was the treatment of the public comments period. As you are aware, at the Council meeting in Costa Rica, the NCSG requested deferral of this motion because the public comment period had not terminated and, thus, it was unreasonable and illegitimate for the GNSO Council to vote on a motion without awaiting its conclusion. This deferral would have allowed the ICANN Staff (and the members of the Drafting Team) to analyze and extrapolate any information from the comments submitted, and modify the proposal accordingly. This never happened. In an email sent by the Drafting Team Chair on March 20, 2012, the members of the Drafting Team were only asked to review the comments that were submitted (<http://forum.icann.org/lists/gnso-iocrc-dt/msg00382.html>); these comments were neither analyzed nor did the ICANN staff provide any summary.

Public comments constitute a core of ICANN's mandate to be a transparent and accountable organization and they were a key part of the Affirmation of Commitments (AoC). Especially in this case, there are some public comments that should not be taken lightly. The public comment submitted by Mr. Giannos Papaioannou, who represents a group of for-profits and non-profit organizations based in Ancient Olympia, Greece is significant in that it reveals that organizations in Greece feel uneasy with these recommendations. Furthermore, the comment by Ms. Patricia Delaunoy on how this set of recommendations is prejudicial against Intergovernmental Organizations should also have been taken seriously.

In the Affirmation of Commitments, ICANN made an important pledge to employ "responsive consultation procedures that provide detailed explanations of the

basis for decisions, including how comments have influenced the development of policy consideration,” and to “continually assess[] and improv[e] the processes by which ICANN receives public input (including adequate explanation of decisions taken and the rationale thereof).” We believe that it is very important that ICANN’s bottom up process, its responsibility to uphold transparent and accountable processes and its mission to hear the views of the wider Internet community have not been secured through this process. We, therefore, hope that you will address the significant issues brought up but ignored in the abbreviated GNSO comment period and the issues brought up by the improper procedures used by the GNSO Council, in any decision on whether to ask the ICANN Staff to implement these recommendations.

For that reason, we encourage the board to not approve the illegitimate GNSO motion.

Thank you very much for your attention.

Respectfully submitted,

Dr. Konstantinos Komaitis

Chair of the Non-Commercial Users Constituency