

August 24, 2016

via email only: Correspondence@ICANN.org

ICANN Board of Directors
c/o Mr. Steve Crocker, Chair
12025 Waterfront Drive, Suite 300
Los Angeles, CA 90094

Dear Chairman Crocker and Members of the ICANN Board:

We, the undersigned applicants for the .GAY new generic top level domain name (“the Applicants”), write to urge the Board to act, without further delay, to review and adopt the BGC’s recommendation to deny dotGay LLC’s (“dotGay”) request for reconsideration following their second rejection of community priority status.

It has been more than FOUR years since the Applicants filed their applications for .GAY. Since this time long ago, dotGay has filed THREE community objections, one against each of the Applicants; TWO community priority applications, ONE Independent Review Panel request (later withdrawn) and ONE motion for reconsideration with the BGC which has been carefully considered by the members of that Committee and found insufficient to be granted. In total dotGay has had **SIX** “bites of the apple” and has been unsuccessful each time. dotGay has had more than a fair opportunity to make its case for community status and has failed to do so before many separate expert forums. Due consideration and diligence have been applied in each instance by these different review panels, none of which have been shown to be biased, prejudicial or discriminatory in their review or decision making. It is simply time for the Board to affirm these decisions and allow the .GAY applications to proceed to contention set resolution.

According to its published meeting agenda, the Board planned to discuss and presumably make a decision regarding BGC recommendation during its Board meeting scheduled two weeks ago on August 9. However, when the resolutions were published days later, the Applicants were surprised to learn that the .GAY agenda item had been removed at the last minute without any explanation.

The Applicants can speculate that the Board may currently feel pressure to spend more time reviewing and analyzing BGC recommendations in light of the Independent Review Panel’s recently published decision relating to Dot Registry, LLC’s community applications for .INC, .LLP, and .LLC. However, we believe more than sufficient and complete review, fair consideration, and due diligence has been given to dotGay’s application and so further time and resources spent on such review is unnecessary and further negatively impacts and prejudices the Applicants who have spent large sums over the course of four years for a chance to bring .GAY to consumers around the world.

Therefore, we urge the Board to call a special meeting of the Board in the coming weeks to make a final decision on the BGC’s recommendation and allow the applications to proceed to contention set resolution. If that is not possible, we would appreciate hearing the reasons why this cannot be achieved.

We look forward to receiving your prompt response. Thank you for your time and consideration.

Sincerely,

United TLD Holdco Ltd. (trading as Rightside Registry)

Top Level Domain Holdings, Ltd.

Top Level Design, LLC

cc: Akram Attallah, President, Global Domains Division