



14 March 2007

Mohamed Sharil Tarmizi  
Chairman, ICANN Government Advisory Committee  
c/o Malaysian Communications and Multimedia Commission  
6-02, 6<sup>th</sup> floor, Straits Trading Bldg.  
2 Leboh Pasar Besar  
50050 Kuala Lumpur MALAYSIA

Ambassador Janis Karklins  
Chairman Elect, ICANN Government Advisory Committee  
c/o 137 rue de Lausanne, CP 193  
Geneve 20, 1211 SWITZERLAND

Re: Response to ICANN call-for-comments on the revised proposed agreement for the .XXX sTLD  
(2 February 2007)

Dear Chairman and Chairman Elect,

Thank you for your communication of 2 February 2007, regarding the revised proposed agreement for the .XXX sTLD.

We note your reference to the Government Advisory Committee's Wellington Communiqué, and your request for written clarification from the ICANN Board regarding its decision of 1 June 2005 authorizing staff to enter into contractual negotiations with ICM registry. In the communications of 11 February 2006 and 4 May 2006, we have previously provided clarifications. Additionally, these letters outlined the process and the work of the Sponsorship and Community Evaluation Panel as one aspect of the consideration of the sTLD applications.

As noted in the 4 May 2006 letter, "The applicants for sTLDs for .ASIA, .JOBS, .MOBI, .TRAVEL, .TEL (Telnic), and .XXX all provided additional documentation supporting their applications in one or more of the evaluation categories." As you know, the Board eventually approved registry agreements for .JOBS, .TRAVEL, .MOBI, .TEL, and .ASIA.

We also note the reference to the GAC requesting confirmation from the ICANN Board that the proposed .XXX agreement includes enforceable provisions covering all of ICM Registry's commitments. As the Board is still reviewing the materials it has not yet made a determination as to whether the revisions to the ICM Registry contract contain the necessary enforceable provisions.

We understand that the Wellington Communiqué remains a valid and important expression of the GAC's views on .XXX at that time, and that it highlighted that several GAC members were "emphatically opposed from a public policy perspective to the introduction of an .XXX sTLD."

We acknowledge your request that a final decision on this matter be deferred to the ICANN meeting in Lisbon, and accordingly, please note that this has been discussed by the ICANN Board. As the ICANN Board has not made a final decision on the .XXX application, this letter will serve to confirm that it will be on the agenda for the upcoming ICANN Meeting in Lisbon.

Yours sincerely,

  
Vinton G. Cerf  
Chairman of the Board, ICANN

CC: ICANN Board of Directors