

March 17, 2013

Dr. Bruce Tonkin, Chairman, Board of Directors Governance Committee  
Internet Corporation for Assigned Names and Numbers (ICANN)  
12025 Waterfront Drive, Suite 300  
Los Angeles, CA 90094, USA

Dear Dr. Tonkin,

**RE: REQUEST FOR RECONSIDERATION OF THE SARP DECISION ON THE UMMAH gTLD APPLICATION**

I am writing to request a reconsideration of the decision to exclude our UMMAH gTLD application from further consideration by ICANN's on-going new gTLD program.

In a letter dated March 11, 2013, I was informed by Christine Willet, VP gTLD Operations, ICANN, that ICANN's Support Application Review Panel (SARP) had determined that our application for financial support for our UMMAH gTLD application did not meet the minimum requirements for Criteria 1 (public interest benefit) for financial assistance. Furthermore, the letter concluded that in conformity with the Financial Assistance Handbook, our application is ineligible for further review in the new gTLD program, and that our evaluation fee would be refunded. This letter follows the response from the new gTLD Program Customer Service to my question on where I can seek a review of the decision to exclude our application from further consideration in the new gTLD program.

The UMMAH gTLD is being applied for by Ummah Digital, Ltd., a company I formed for that purpose in The Gambia in partnership with another Gambian, and a Singaporean company. I initiated the effort to help ensure Africa's participation in the new gTLD program, to help extend the program to the global Muslim population, and to help build bridges between the Islamic and non-Islamic world.

Despite these noble objectives, it has been next to impossible to secure funding for our application. The reasons for this difficulty include the woefully low level of awareness in Africa about the DNS industry and the new gTLD program, the lack of sources of funds for start-ups in Africa, and the extremely short time we had to start the company, raise funding, and submit our application.

As has been pointed out often and by many people, a major reason for Africa's lack of awareness about the DNS and the new gTLD program has been relatively little effort ICANN spent on outreach in Africa on the new gTLD program, especially compared to other regions of the world. In addition, we simply do not have the luxury in Africa of accessing venture capital funds as they do in the US, for example, where a startup was able to raise \$100 million to participate in the new gTLD program.<sup>1</sup>

Despite efforts to explore various sources, I was able to secure funding from only one source, a Singapore company. Even then, the funds were only enough to enable us apply for financial support from ICANN. As such, we had a stark choice: either apply for applicant support from ICANN, or not participate in the new gTLD program. Although we were aware of the stringent requirements of the applicant support program, our best judgment led us to believe that our application for support had a reasonable chance for success.

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<sup>1</sup> <http://venturebeat.com/2012/06/05/donuts-gtlds-funding/>

Although the SARP determined that our application failed to meet the public interest benefit criteria for financial assistance, we strongly believe that an UMMAH gTLD would serve the public interest, as we have argued in our application.<sup>2</sup>

We also believe that an UMMAH gTLD will help extend the new gTLD program to the global Muslim community estimated at 1.6 billion people. Only two other gTLD applications are targeted at the global Muslim population, and three are targeted at various Islamic sects. In contrast, governments, organizations and companies interested in reaching Muslims will be allowed to register UMMAH domain names, thereby helping build bridges between the Islamic and non-Islamic worlds. An UMMAH gTLD will thus help ICANN achieve key new gTLD program objectives, namely, competition, consumer choice, and inclusiveness. Our application also helps reduce the exclusion of Africa from the new gTLD program, and help efforts to build a DNS industry in Africa.

We believe that SARP determination on our application for support should be re-considered. Specifically, we request that our application be retained in the new gTLD program, and that we should be allowed to seek funding from other sources to pay the full application fee. Our request for reconsideration of the SARP determination is based on the following reasons:

**1. The need to strengthen the participation of developing countries in the New gTLD Program**

Africa has the least number of new gTLD applications of all the regions in the world. Of the 17 gTLD applications from Africa, 2 are for Arab states, 2 are contentions for the same geographic string, 3 are for cities, and 9 are applications for brand TLDs. Our UMMAH gTLD application is the only African for-profit gTLD application, and the only truly generic, globally-oriented TLD application from Africa. Furthermore, of the 1,154 applicants from 60 countries in the new gTLD program, we are the only applicant from the 49 least developed countries (LDCs)<sup>3</sup> which ICANN targets for special attention.

Excluding our application from the new gTLD program would deny the LDCs, and the African private, for-profit sector from participation in the new gTLD program. It would also send the wrong signals about ICANN's determination, expressed in a recent meeting in Addis Ababa, Ethiopia, to help build a vibrant DNS industry in Africa.<sup>4</sup> It is also worth mentioning that Africa can hardly be expected to build a vibrant DNS industry if all its initiatives are going to be not-for-profit. Besides, it is these private sector initiatives that hold the key to weaning LDCs and Africa from dependence on support from ICANN.

**2. The New gTLD Program implementation has been flexible; and rightly so**

Although ICANN and its community expended a lot of time, resources, and effort developing a Guidebook for the implementation of the new gTLD program, reality has often deviated from the stipulations of the Guidebook. Examples of adjustments in the implementation of the new gTLD program include the abandonment of the digital archery system, the introduction of the PICs, and the shifting of target dates for various milestones, including the closure of the TAS and the application window. ICANN has also approved 599 of 636 application change requests received so far.<sup>5</sup>

These changes were made in the best interest of the ICANN community, and the effective implementation of the new gTLD program. It is in this spirit that we request a reconsideration of the decision to exclude our application from the new gTLD program, because we believe reinstating it

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<sup>2</sup> <https://gtldresult.icann.org/application-result/applicationstatus/viewstatus:viewapplicationdetails/33>

<sup>3</sup> <http://www.unohrlls.org/en/ldc/25/>

<sup>4</sup> <http://www.icann.org/en/news/press/releases/release-11mar13-en>

<sup>5</sup> <http://newgtlds.icann.org/en/program-status/statistics> - Accessed March 17, 2013

would not be prejudicial to the stellar work done to prepare the new gTLD program Financial Assistance Handbook. On the contrary, reinstating our application would help achieve key objectives of the Applicant Support program, including ensuring the inclusion of LDCs in the new gTLD program.

### **3. Preventing capture of the UMMAH TLD by richer applicants**

In view of the fact that we are a small startup company from a developing country, it will be very easy for other companies to outspend us in applying for the UMMAH TLD in future application rounds. Much of the case for an UMMAH TLD has been made in the public part of our application, and nothing can stop another company from adapting our application to serve their own needs in the future. For this reason, excluding our application from the current new gTLD program could in effect deny us the string because we simply would not get the resources to compete against richer companies interested in securing the string in a future gTLD application round.

We believe that ICANN should reinstate our UMMAH gTLD application, and allow us seek additional funding to pay the full application fee, because it would be in the best interest of the global Internet community, and the successful implementation of the new gTLD program.

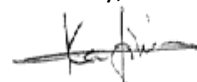
Furthermore, we believe that the increased publicity since the announcement of the new gTLD applications, and increased awareness about the marginalization of LDCs and Africa by the program has improved the atmosphere for raising funds. As such, we have a greater chance than before to raise funds to pay the full application fee to ICANN, if given the chance to do so. Indeed, since the publication of the SARP decision, some investors have expressed interest in funding us to pay the full ICANN application fee, if we are allowed to do so.

We also believe that when ICANN says that it wants an inclusive new gTLD program, it also means that it will accommodate the challenges faced by those of us from developing countries. We would thus most appreciate it if ICANN reinstates our UMMAH gTLD application in the new gTLD program, and allows us to seek additional funds to pay the full fee for our application.

Finally, I should mention that we wrote this letter in the belief that it is important for us to respectfully present you with the facts of our case as you deliberate on, and decide (with all your prerogatives) the fate of our application.

Thank you in advance for your consideration.

Sincerely,



Katim S. Touray, CEO

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CC:

1. Dr. Steve Crocker, Chair, ICANN Board of Directors
2. Fadi Chehadé, President and CEO, ICANN
3. Dr. Olivier M.J. Crépin-Leblond, Chair, ALAC
4. Leslie Cowley, Chair, CCNSO
5. Heather Dryden, Chair, GAC
6. Jonathan Robinson, Chair, GNSO Council