ICM REGISTRY
the **.xxx** top-level domain

9 March 2007

Dr. Vinton Cerf
Members of the Board of Directors
ICANN
4676 Admiralty Way, Suite 330
Marina del Rey, California 90292-6601

Re: Letter of Minister Helen Coonan (Australia)

Dear Dr. Cerf and Members of the Board:

I am writing in response to the letter sent by Australia's Communications Minister, Helen Coonan, on 28 February 2007. Senator Coonan's letter states that the Australian Government remains strongly opposed to anything that might increase the amount of "illegal and offensive" content on the Internet. Her assertion that the creation of an "adult content" sTLD would be clearly inconsistent with this policy reflects a basic misunderstanding about both the nature of the online adult industry and the domain name system.

To evaluate Senator Coonan's letter, it is necessary to understand the political context in which it arises. For the past year, in advance of national elections, government ministers and opposition critics have been locked in competition to demonstrate their tough anti-pornography credentials. Australia's national debate about pornography reached fever pitch as the ICANN community gathered in Wellington last year.[1] The debate reappeared in the Australian headlines just last month. Senator Coonan issued anti .XXX pronouncements when this first came up, and again in February, to refocus voter attention and deflect political criticism. Whatever Australian voters think of this tactic, the ICANN Board should refuse to be taken in by it.

−   In early 2006, Labor party leaders proposed ISP level filtering to block online adult content (including legal content subject to an adult's right to "opt-in" to receiving such content). *See,* Sydney Morning Herald (21 March 2006) (Labor Party would o "force internet service providers (ISPs) to block violent and pornographic material before it reached home computers.") http://www.smh.com.au/news/National/Labor-will-make-ISPs-block-net-porn/2006/03/21/1142703333305.html.

−   Citing a NetAlert study showing that the kind of filtering proposed by Labor was both ineffective and could slow connection speeds by up to 78 per cent, Senator Coonan dismissed

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[1] Contrary to Senator Coonan's assertion, the Australian GAC representative did not oppose .xxx prior to the Wellington meeting.

the proposal, saying "PC-based filters are more effective at blocking all manner of offensive content, provide greater control to parents of the content their children are exposed to and do not affect the performance of the internet for all users." *Id.*

− Domestic political pressure evidently intensified, and Senator Coonan announced that the Australian Government had not ruled out ISP level filtering. *See*: "Coonan Flips on Net Porn Barrier," Sydney Moerning Herald 23 Mar. 2006, *at* http://www.smh.com.au/news/technology/coonan-flips-on-net-porn-barrier/2006/03/22/1142703446070.html

− At the very same time, Senator Coonan attempted to demonstrate the Howard Government's tough anti-pornography stand by calling on ICANN to block .XXX. Even the Australian press recognized this as a political gesture, noting that Senator Coonan's comments "follow a week of tough talk on the issue of online pornography in Australia. Last week Opposition Leader Kim Beazley said internet service providers (ISPs) would be forced to block violent and pornographic material before it reaches home computers if Labor won the next federal election. *See, e.g.*, Louisa Hearn, "Australia wants .xxx domain on hold," Sydney Morning Herald, 28 Mar. 2006, *at* http://www.smh.com.au/news/breaking/australia-wants-xxx-domain-on-hold/2006/03/28/1143441141727.html

− In June, as an alternative to crippling ISP level filtering, Senator Coonan announced that the Government would give filtering technology to every Australian family as part of a "comprehensive package of measures to crack down on the scourge of Internet pornography" http://www.minister.dcita.gov.au/media/media_releases/$116.6_million_to_protect_australian_families_online. *See,* also http://www.smh.com.au/news/technology/porn-filters-for-home-computers-to-be-subsidised/2006/06/19/1150701484567.html

− Unfortunately, the filtering technology has not been delivered, as press in Australia recently reported . *See,* "Kids bombarded by online porn as filter delayed" 1 Feb. 2007, Courier Mail, available at: http://www.news.com.au/story/0,23599,21152197-421,00.html. ("UP to 2.5 million Australian families are still waiting for the Federal Government to deliver on a promise to protect children from online pornography. But seven months after the announcement – billed as the "single biggest commitment" to protecting Australian families in the history of the internet – parents are still waiting to install the promised filters on their home computers."

− The Opposition immediately seized on this and renewed its attack on the Howard Government as being soft on porn. "Family First Senator Steve Fielding said the wait was a disgrace. 'This shows the Government is not serious about protecting our kids from this vile material.' he said." *Id. See*, also, Lachlan Heywood, "Internet Raises Lib's Ire," Courier Mail, 2 Feb. 2007, *at* http://www.news.com.au/couriermail/story/0,23739,21159702-5003418,00.html. ("Anti-porn Liberal senator Guy Barnett will meet Communications Minister Helen Coonan next week amid mounting concern children are not being protected from offensive material on the Internet.")

The Australian debate is political, and not substantive. As Senator Coonan surely knows, the number of adult Internet sites has increased each year in response to consumer demand - in the absence of an industry-specific top-level domain (TLD). For example, a recent *Third Way* report estimates that the number of adult content web *pages* grew from 14 million in 1998 to over 400 million in 2005. Keeping .xxx out of the Internet root will neither slow nor reverse this growth.

Moreover, even if creation of an adult TLD were to add a modest number of new sites/URLs that link to adult material, **new registrations do not lead to additional content**. Most adult webmasters simply distribute third-party content.[2] These webmasters, referred to by the industry as "affiliates," generally operate multiple URLs. Each URL will be branded differently, but all link to the same, much smaller number of third-party content sites. Affiliates that register and host URLs under the .xxx domain will continue to point to the same universe of third-party content sites. Likewise, content producers who register an .xxx domain will not create new or separate content for that site. Rather, they will continue to maintain content on a single site and resolve all other domains they operate to that site. Thus, there is no reason to believe that creation of a TLD for adult material will increase the *amount* of sexually oriented material on the Internet in any significant way. The .xxx extension will, however, make it far easier for users and parents avoid material they prefer not to see.

ICM Registry sincerely regrets that Senator Coonan does not appreciate the ways in which creation of .XXX can help empower Internet users to view content that they are interested in and avoid content that they find offensive or uninteresting. But the ICANN Board should understand that Australian voters are the primary target of her communication.

Sincerely,

Stuart Lawley

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[2] For a thoughtful discussion of the structure of the online adult entertainment industry, and business and regulatory pressures relevant to this debate, *see: Youth, Pornography, and the Internet,* Dick Thornburgh and Herbert S. Lin, Editors, Committee to Study Tools and Strategies for Protecting Kids from Pornography and Their Applicability to Other Inappropriate Internet Content, National Research Council (2002). PDF available at: http://www.nap.edu/catalog/10261.html.

Labor will make ISPs filter porn on Net

March 21, 2006 - 12:44PM

Labor's plan to protect children from online pornography and graphic violence has been backed by family groups, but dismissed by the government and internet industry.

Opposition Leader Kim Beazley said a Labor government would force internet service providers (ISPs) to block violent and pornographic material before it reached home computers.

Under the "clean feed" system, pioneered in Britain, users would be unable to access any content banned by the Australian Communications and Media Authority (ACMA) because it contained graphic sexual or violent material, rated R or higher.

Mr Beazley said all households would be included in the policy unless they opted out.

He said the current system, which required ISPs to offer all subscribers cheap or free filter software for their own computers, was not working.

"The reality is that cost and poor computer literacy mean almost two-thirds of parents don't have internet filters on their family computers," Mr Beazley said.

"That is not good enough when research suggests that the exposure of children and others in the community to this sickening content can lead to aggression towards women and child abuse."

Communications Minister Helen Coonan said PC-based internet filters, which ISPs must offer to subscribers at a cheap price, were better and had been taken up by more than one in three families using the net.

"PC-based filters are more effective at blocking all manner of offensive content, provide greater control to parents of the content their children are exposed to and do not affect the performance of the internet for all users," Senator Coonan said.

She said a recent study by internet safety body NetAlert found the kind of filtering proposed by Labor could slow connection speeds by up to 78 per cent without being as effective as a filter on a home computer.

But Family First leader Senator Steve Fielding said blocking all porn at the ISP level, then allowing adults to "opt in", was a good solution.

"Parents feel powerless," Senator Fielding said.

"We know we have to let our kids roam the internet for study, yet we can't be watching over their shoulders all the time to monitor what they are seeing."

However, Internet Industry Association executive director Peter Coroneos said the current system in Australia, which involved three enforceable codes of practice, was world-class.

"No child in Australia need be exposed to harmful and offensive content," Mr Coroneos said.

"A family who takes advantage of (filter programs) will have a far greater degree of confidence in limiting the kind of material their children are likely to access than would occur if we adopt the limited clean feed model."

Mr Coroneos said the problem lay in educating parents and teachers about the use of filter systems.

The ACMA is currently auditing the top 25 ISPs, which cover about 95 per cent of internet users in Australia, for

compliance with the codes of practice.

Any ISPs found in breach of the codes could face fines of up to $27,500 a day.

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Coonan flips on net porn barrier

By Mark Metherell
March 23, 2006

A NATIONAL blockade against internet pornography and violence is now a possibility after the Communications Minister, Helen Coonan, showed signs of buckling to backbench demands for action on this issue.

A day after scoffing at a Labor plan to force internet service providers to filter out porn and violence, Senator Coonan yesterday changed tack and said the Government had not ruled out such a filtering system.

This followed a demand from a Liberal backbench campaigner on the issue, Guy Barnett, who described current home-based measures as "unsatisfactory" and rejected Senator Coonan's earlier suggestions that mandatory filters would be costly and of "questionable benefit".

Senator Barnett, who late last year got 62 Coalition MPs to sign a plea to the Prime Minister, John Howard, for more action against internet porn and violence, said yesterday: "I will not roll over on this issue. I will continue to pursue this in the best interests of Australian children."

On Tuesday, Senator Coonan rejected Labor's plan for a mandatory filter on internet porn and violence, saying it would "only result in slowing down the internet for every Australian without effectively protecting children from inappropriate and offensive content". She said home-based filtering of computers using free or low-cost software was the most effective way to protect children.

Senator Barnett questions this view, because he says many parents do not take up the software. But yesterday Senator Coonan's spokeswoman said "the Government has not ruled out ISP-based filtering and is currently undertaking a trial in Tasmania in conjunction with the internet safety agency NetAlert".

The findings of that trial were expected to be handed to the Government shortly.

This was the third Government investigation of ISP-based filtering since 2001 and the Government was actively trying to overcome technical impediments to ISP-based filtering.

Labor's approach would only block internet sites that were listed but thousands of pages were added or changed every day, she said.

Latest figures show that Australia can enforce the removal of only about 10per cent of prohibited material because most pornographic and violent items including pedophilia, bestiality and sexual violence is produced by overseas sites.

Senator Barnett said industry experts had told him filters could be introduced without undue detriment to services.

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Australia wants .xxx domain on hold

By Louisa Hearn
March 28, 2006

Senator Helen Coonan has weighed into the simmering
debate over a new .xxx adult content domain name, calling for its creation to be delayed until the
benefits are proven.

"This Government takes a strong stand on internet pornography and we would not support any
measure which could lead to an increase in offensive content on the internet," Senator Coonan, the
Federal Communications Minister, said.

Her statement comes on the eve of the anticipated release of an advisory document on the new .xxx
domain from an influential Government Advisory Committee established by Icann, the worldwide body
that manages the internet.

The GAC is currently meeting at Icann's Wellington conference and is expected to issue a
communique on Thursday morning on the new domain name.

Senator Coonan said on Tuesday that Australia had asked Icann to delay its decision on .xxx until it had
provided better evidence of its purported benefits.

However Icann president, Paul Twomey, said it was not the role of Icann to evaluate the content of a
domain name.

"We run an open process for domain name applications and this .xxx application has been flagged since
2004 and has been open for governments to make comment since then," he said.

According to Mr Twomey, the only public policy advice now being considered would come from the GAC
on Thursday, within which Australia had senior representation.

"After the receipt of such advice the board shall decide the next steps to take," he said.

The .xxx domain was initially devised to take the place of .com for the adult entertainment industry,
which strongly advocates its creation and was proposed by the ICM Registry in the US.

It was hoped the domain would create an identifiable self-regulating business space for online adult
material to deliver improved traffic flow and simpler filtering of adult content.

However a final decision about whether to approve the domain was put on hold by Icann last year after
the receipt of a letter from Michael Gallagher, Assistant Secretary at the US Commerce Department,
saying he had received nearly 6000 letters and emails expressing concern about the impact of
pornography on families and children and urging further debate.

Its approval has since been delayed to allow more time for consultation.

Those contesting the creation of .xxx raise concerns over the categorisation of pornographic material on the domain name and the nature of how it will be regulated.

According to Senator Coonan, the potential benefits remain vague and ill-defined. "If it becomes clear that this domain will simply increase the number of pornographic sites on the Internet and do nothing to protect Australian families from offensive content, then I will not hesitate to register Australia's strong opposition to the establishment of .xxx," she said.

Her comments follow a week of tough talk on the issue of online pornography in Australia. Last week Opposition Leader Kim Beazley said internet service providers (ISPs) would be forced to block violent and pornographic material before it reaches home computers if Labor won the next federal election.

After initially scoffing at the announcement, Senator Coonan then said the Government had not ruled out implementing such a filtering system itself.

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Internet porn filters for home computers to be subsidised

Lisa Murray
June 20, 2006

THE Federal Government is poised to announce a plan to stop children accessing pornography and other offensive material over the internet.

It is understood the plan will include subsidies for parents who buy pornography-filtering software for home computers and an injection of funding for NetAlert, the internet safety advisory body.

The Government will also fund an information campaign, and public libraries will have to install filters to block offensive websites from their computers.

The Communications Minister, Helen Coonan, put the plan forward at a cabinet meeting late yesterday.

Internet pornography has become a hot political issue in the lead-up to next year's election, and Senator Coonan has been under pressure to curb children's access to offensive websites.

"It is the fundamental right of all Australians to access the internet free of pornography and offensive material," a Liberal senator, Guy Barnett, said yesterday. He was one of 62 members of the Coalition parties who signed a letter to the Prime Minister last year calling for a ban on offensive web sites.

"I'm hopeful of a positive response from the Howard Government to the concerns and recommendations of more than 60 backbenchers," he said.

Labor favours mandatory blocking of the most offensive websites at the internet service provider (ISP) level to give parents, schools and libraries a so-called "clean feed."

But Senator Coonan has made it clear she prefers individual PC-based filtering. "You can get a customised and safe experience that looks after emails, chat rooms and peer-to-peer file downloading in a much more effective way than simply blocking half the internet and slowing it down so that nobody can use it, even for innocent purposes," she told Parliament yesterday.

She said none of the developed countries mandated ISP-level filters, and in those countries that did - such as Saudi Arabia and Pakistan - the system did not work properly.

A government review last year found the cost of applying filters at an ISP level would be $45 million, plus ongoing costs of $33 million a year. It is unclear how much the Government will spend subsidising PC filters.

Telstra's BigPond charges $54.95 for a filter and more than half of households have internet access at home.

Kids bombarded by online porn as filter delayed

By Lachlan Heywood
February 01, 2007 12:00am

Article from: **The Courier Mail**

UP to 2.5 million Australian families are still waiting for the Federal Government to deliver on a promise to protect children from online pornography.

A $93 million plan to offer every household in Australia free internet filtering software was expected to be running by the end of last year.

But seven months after the announcement – billed as the "single biggest commitment" to protecting Australian families in the history of the internet – parents are still waiting to install the promised filters on their home computers. The filtering technology, which blocks X-rated sites and offensive words, was also to be installed at public libraries across Australia.

Family First Senator Steve Fielding said the wait was a disgrace.

"This shows the Government is not serious about protecting our kids from this vile material," he said.

But a spokeswoman for Communications Minister Helen Coonan said the software would be available soon.

"These things have a long lead-in time," she said.

"We are finalising the portal and it should be ready in the first quarter of this year.

"It will be worth the wait. Every Australian family will be able to access a free internet filter that they can tailor to their own personal value judgments."

The launch of the software will be accompanied by a $18 million national advertising campaign to highlight the benefits of parents using online filters.

More than 2.5 million families are expected to take up the offer.

A report by the Australian Institute in 2003 showed 84 per cent of boys and 60 per cent of girls using the internet had experienced unwanted exposure to sexual material.

Labor's communications spokesman Stephen Conroy said protecting children from exposure to damaging internet content should be a priority.

"Senator Coonan's failure to act on this important issue shows that she is out of touch, not only with the concerns of Australian families, but also with her Coalition colleagues," he said.

The crackdown on internet pornography was prompted by more than 60 Coalition MPs signing a letter to Prime Minister John Howard demanding stronger safeguards.

But critics argue the proposed measures do not go far enough. Senator Fielding has called for new laws to force internet service providers to block pornography before it reaches the home.

Internet raises Lib's ire

By **Lachlan Heywood**
February 02, 2007 11:00pm

Article from:

ANTI-porn Liberal senator Guy Barnett will meet Communications Minister Helen Coonan next week amid mounting concern children are not being protected from offensive material on the internet.

Senator Barnett last year initiated a letter to Prime Minister John Howard, signed by more than 60 MPs, demanding stronger safeguards.

But *The Courier-Mail* reported this week up to 2.5 million Australian families had been waiting seven months for the Government to deliver on a promise to provide free internet filtering software.

The offer was billed as the "single biggest commitment to protecting families online in the history of the internet in Australia".

Senator Barnett said yesterday it was vital the software, which blocks X-rated sites and offensive words, was available as soon as possible.

"People are very worried about offensive material on the web and elsewhere and they are concerned for their children," he said.

Senator Coonan's office expects parents will be able to install the promised filters on their home computers within months.

In the meantime, Senator Barnett is involved in an ambitious project to block internet pornography before it reaches the home.

A voluntary trial of so-called ISP-level filtering is due to be launched across Tasmania this month.

"I am a big supporter of ISP-level filtering as long as it can be proved to be effective," he said.

"It has the potential to alleviate a lot of the concerns of families and provide better protection for children."

Senator Coonan is less optimistic, telling a Senate estimates hearing last year that computer-based filtering was still the best way of protecting children.

"While ISP-level filtering may be feasible, each report so far has found significant problems," she said.

A 2004 report found it would cost $45 million to set up, with annual maintenance costs of about $33 million.

Critics have accused the Government of failing to protect children.

Family First senator Steve Fielding, who also supports ISP filtering, said it was a disgrace Australian families were still waiting for the promised filters more than six months after the Government's announcement.

"If the Government was serious about protecting all children from exposure to pornography, it would have delivered

mandatory filtering at the ISP level, which is what Family First has been calling for for over a year," he said.

The Opposition accused Senator Coonan of being out of touch with her Coalition colleagues on the sensitive issue.

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