



The Internet Corporation for Assigned Names and Numbers

9 April 2015

The Honorable Edith Ramirez
Chairwoman
United States' Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, D.C. 20850

The Honorable John Knubley
Deputy Minister
Canada's Office of Consumer Affairs
C.D. Howe Building
235 Queen Street
Ottawa, Ontario K1A 0H5
Canada

Dear Chairwoman Ramirez and Deputy Minister Knubley:

I am the General Counsel and Secretary of The Internet Corporation for Assigned Names and Numbers ("ICANN"). As you may know, ICANN is in the midst of our new generic top level domain name program ("New gTLD Program"), the purpose of which is to add new Top Level Domains ("TLDs") to the Internet to supplement the existing TLDs (e.g., .COM, .NET, .ORG) in order to promote competition, consumer choice, and innovation. The program has thus far resulted in 583 new TLDs being added to the Internet as of last week, and hundreds more to be added in the near future. Included in this number are dozens of TLDs that represent Internationalized Domain Names (non-Latin characters), or that represent "communities" or geographic regions.

One of the Top Level Domains that ICANN has approved is ".SUCKS." There were multiple applicants for this new top level domain, and one of the applicants emerged as the final candidate and satisfied the criteria that the ICANN community developed to evaluate TLD applications and to ensure that the applicant was capable of operating a TLD. That process for evaluation of the new gTLDs is included here <https://newgtlds.icann.org/en/applicants/agb>.

Los Angeles
Offices:

12025 Waterfront Drive, Suite 300
Beijing • Brussels •

Los Angeles, CA 90094 USA
Istanbul • Montevideo

T +1 310 301 5800
• Singapore

F +1 310 823-8649
• Washington

<http://icann.org>



Following this detailed evaluation process, ICANN, recently entered into an agreement with the remaining applicant to operate this TLD. That applicant, Vox Populi Registry Inc., a Canadian company, signed a registry agreement and has recently launched the top-level domain. They are in the process of selling registrations of second-level domain names, such as EXAMPLE.SUCKS, through registrars that sell directly to consumers. The distribution model will allow registrations of second-level domain names through registrars, located and selling registrations in the United States, Canada and throughout the world.

On March 27, 2015, ICANN received a formal letter from Gregory Shatan, President of ICANN's Intellectual Property Constituency (IPC), on behalf of the constituency (whose membership may be found at the following link (<http://www.ipconstituency.org/current-membership/>), setting out a number of concerns of intellectual property rights holders related to Vox Populi's proposed rollout. The IPC described the proposed business practices and actions of Vox Populi, as "illicit" and also "predatory, exploitive and coercive".

ICANN, through its registry agreement, may seek remedies against Vox Populi if the registry's actions are determined to be illegal. ICANN is concerned about the contentions of illicit actions being expressed, but notes that ICANN has limited expertise or authority to determine the legality of Vox Populi's positions, which we believe would fall within your respective regulatory regimes.

Accordingly, I am forwarding a copy of the March 27, 2015 IPC letter to you and hereby request that the United States' Federal Trade Commission and Canada's Office of Consumer Affairs consider assessing and determining whether Vox Populi is violating any laws or regulations enforced by your respective offices. We note that should the FTC or the OCA make a determination of illegal activity, it could be that Vox Populi will also be in breach of its registry agreement, and ICANN could then act consistently with its public interest goals and consumer and business protections to change these respective practices of the registry through its contractual relationship. ICANN is also currently evaluating other remedies available under the registry agreement. We are very concerned about any possible illegality resulting from the alleged illicit actions of the registry and accordingly reach out to you to see if you can offer guidance on this matter.

Thank you for your consideration of this matter. We appreciate any attention that you can provide to this, in particular, since the preliminary (sunrise) period for registrations has already commenced and will end on May 29, 2015. ICANN is treating this as a matter of some urgency and hope that you will be able to respond, even if informally, as soon as practicable.



We are available to answer any questions that you may have regarding this matter. I can be contacted at +1-310-301-5834 or at John.Jeffrey@ICANN.org.

Very truly yours,

A handwritten signature in blue ink, appearing to read "John O. Jeffrey", with a long, sweeping flourish extending to the right.

John O. Jeffrey
General Counsel & Secretary
ICANN

cc (alphabetically): Mr. Akram Atallah, President, Global Domains Division, ICANN
Mr. John Berard, CEO, Vox Populi
Mr. Cherine Chalaby, Chair, Board New gTLD Program Committee, ICANN
Mr. Fadi Chehadé, President and Chief Executive Officer, ICANN
Mr. Steve Crocker, Chair, Board of Directors, ICANN
Mr. Allen Grogan, Chief Contract Compliance Officer, ICANN
The Honorable Pamela Miller, Representative for Canada, Government Advisory Committee, ICANN
The Honorable Suzanne Radell, Representative for United States of America, Government Advisory Committee, ICANN
The Honorable Thomas Schneider, Chair, Government Advisory Committee, ICANN
The Honorable Lawrence Strickling, Assistance Secretary for Communications and Information and Administrator, National Telecommunications and Information Administration (NTIA)