February 5, 2015

RE: Clarifications for CPE panel (Application ID# 1-1713-23699)

To ICANN and the Economist Intelligence Unit,

Following please find important clarifications that dotgay LLC would like to highlight for the new CPE panel. Please note that these clarifications in no way constitute a change to our application, but instead offer guidance to a better understanding of our responses to Question 20 as it relates to Nexus.

Best regards,

Jamie Baxter
Vice President of Marketing
dotgay LLC

In the effort to ensure that the pool of potential registrants for .GAY (ie the Gay Community) is properly distinguished from the proposed registration requirements for .GAY, it's important that dotgay make the following clarifications as it relates to Nexus.

In the application, the community is defined as:

> The Gay Community includes individuals who identify themselves as male or female homosexuals, bisexual, transgender, queer, intersex, ally and many other terminology – in a variety of languages – that has been used at various points to refer most simply to those individuals who do not participate in mainstream cultural practices pertaining to gender identity, expression and adult consensual sexual relationships. The Gay Community has also been referred to using the acronym LGBT, and sometimes the more inclusive LGBTQIA. The most common and globally understood term – used both by members of the Gay Community and in the world at large – is however "Gay."

dotgay would like to be clear that this definition, as stated in the first paragraph of 20A, constitutes the potential pool of registrants for .GAY. dotgay also makes it clear in 20E that ".gay is restricted to members of the Gay Community." Further detail is offered throughout Question 20 for how the potential pool of registrants would acquire a .GAY domain name, which should not be confused with the community definition.

In the application, membership is defined as:

> The membership criterion to join the Gay Community is the process of 'coming out.'

Because membership in the Gay Community is linked to personal identity, and not something visible like eye color, the application brings to light the process of 'coming out' as a metric around identity. In no manner does the application define 'coming out' as requiring public visibility, but instead could also include private awareness. As identified in the application, "this process is unique for every individual, organization and ally involving a level of risk in simply becoming visible."

To further clarify, if one has not openly or privately 'come out' with respect to their identity as LGBTQIA, then they cannot be noticed as a member of the Gay Community. This is a shared understanding of the Gay Community, not only for members but also the "world at large."

In the application, Authentication Partners are defined as:

> They serve as "hubs" and are recognized as definitive qualifiers for those interested in affirming their membership in the community.

In order to meet ICANN's community TLD requirements, a process must exist to validate community members. In alignment with existing community practice, and in the interest of accessibility and privacy, the application has identified a method of verification which draws on the use of Authentication Partners (AP). Described as "gay civic organizations," APs "represent the diverse segments and various interests of the Gay Community," and are both openly and privately accessible to the Gay Community around the world.

In order to gain access to .GAY domain names community members must be verified, referred to in the application as having 'registered' with an AP. 'Registering' with an AP in no way limits members of the Gay Community from acquiring a .GAY domain. The choice of AP is also left to the discretion of the community member. The application also states that dotgay will "work within the community to identify and approve APs ... providing as many opportunities for the community to participate as possible."

The point of clarity we would like to make is that APs are part of the registration process required of community TLDs, and not a component of the definition of the Gay Community.

Just as documentation might be necessary to identify a member of the hotel community for the purposes of registration in .hotel, without limiting any unregistered hotel from being a hotel, so too the lack of participation in an AP does not limit someone from being gay, just from registering a domain name in .gay. The use of APs is required to meet ICANN rules for communities, not for identifying as a member of the gay community.

In the application, the estimated size of the community is projected as:

> Most studies place the global gay population at 1.2% (Williams 1996), higher in countries with existing gay rights protections projected at 4-6% (eg. Australia, Canada, United Kingdom, United States).

To further clarify, the application then shifts to illustrate baseline estimates of what the existing pool of pre-authenticated registrants may already amount to if the network of "identified partners and endorsing organizations" were to become APs. This illustration is in no way a revision or narrowing of the estimated size of the community stated above, but instead an effort to give simple perspective to the "minimum pool" of community members that the network already linked to in May 2012, and further support reasoning for the authentication approach. Since 2012 when the application was submitted, the network has since grown substantially, multiplying in size and reach even at the point ICANN had completed initial evaluations. Evidence was provided prior to CPE by way of almost 250 combined letters of support.

It should also be clarified that in no way does the application suggest that the "identified partners and endorsing organizations" are in fact APs, that they will meet the standards for becoming an AP, or that those identified in any way constitute a complete list of APs. The vague mention of any numbers is simply an illustration and should not be considered without context to the further development of any network that could ultimately become the list of APs.

In addition, it should also be clarified that community members 'registering' with any of the approved APs in the future is not restricted nor contingent on any association to the "identified partners and endorsing organizations" prior to May 2012. Instead, the application quite implicitly identifies that the list of APs will be substantial, remain an open dialogue and opportunity, and reflect the needs and interests of community members to ensure access.