



Addressing the global Internet

29 March 2010

Rod Beckstrom
CEO and President

Mr. Stuart Lawley
ICM Registry, Inc.
1097 Jupiter Park Ln., Suite 3
Jupiter, FL 33458

Dear Stuart,

Thank you for letter dated 21 March 2010 commenting on the Board's resolution regarding the Independent Review Panel's Declaration about ICM's .XXX sTLD Application. As you know from the Board's resolution, today we are posting a Decision Process Options Report, along with a graphical decision tree, setting out process options the Board now faces in dealing with the Declaration.

In furtherance of ICANN's continuing effort to operate in an open and transparent manner, the report and decision tree are being posted for 45 days to provide the public sufficient time to comment on the process options and possibly identify others for the Board's consideration. With this timing, it is anticipated that the Board will have more information from the public for consideration at or before its meeting in Brussels in June 2010. Of course, your letter and any additional comments you choose to provide during the public comment forum are welcome and will be given due consideration.

I do want to briefly respond to your comments suggesting that there is no further need to evaluate ICM's Application or registry agreement, wherein you compared the situation with the .POST Application approval process. While it is true that both applications were submitted in 2004 for sTLDs, there are some significant distinctions between the applicants. In particular, the .POST Application was submitted by the Universal Postal Union ("UPU"), a specialized agency of the United Nations, represented by the Director General of its International Bureau, which also serves as the sponsoring organization for the sTLD. The UPU, originally named the General Postal Union, was originally established more than 135 years ago through the 1874 Treaty of Bern. The UPU currently has approximately 190 member countries.



In contrast to the long established UPU, the proposed sponsoring organization for the .XXX sTLD, The International Foundation for Online Responsibility ("IFFOR"), and the applicant, ICM Registry, were both envisioned and created solely for the purpose of sponsoring and operating the .XXX registry, neither had any or other reason for existence to our knowledge. Thus, if the Board decides to proceed with ICM's Application, some additional due diligence seems appropriate to gain comfort that minimally, ICM presently satisfies the requisite financial and technical criteria in a manner sufficient to operate the proposed top-level domain. Further, if required under the selected evaluation criteria, it would be appropriate to ascertain that IFFOR and a .XXX registry can still satisfy the requisite sponsorship criteria.

Underlying all, however, remains our commitment to taking the first Independent Review Panel Declaration in ICANN's history very seriously and ensuring that any decision made is based on an open and transparent process.

Sincerely,

A handwritten signature in black ink, appearing to read "Rod Beckstrom". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Rod Beckstrom
CEO and President