



Christine Willett
Vice President, New gTLD Operations
ICANN
12025 Waterfront Drive
Suite 300
Los Angeles
CA 90094-2536

25th March 2014

Dear Christine,

I am writing to you to express Nominet's concern about the frequent and unpredictable changes to the gTLD program that have occurred since it began in earnest in January 2012 and to request early approval of our ALP application.

As you know, Nominet has applied for two new gTLDs (.wales and .cymru) intended to address the specific needs of the people of Wales. It has always been our intention that these new domains would have specific 'public interest' objectives and to that end we have engaged in extensive public consultation both before and after we submitted our applications, and have received the support of the Welsh Government and the unanimous support of the Welsh Assembly. At the heart of our approach are ambitious but achievable targets for early take up and use of the new domains within Wales. For this it is essential that we are able to conduct a high-impact launch program and attract a cadre of key Welsh businesses and public institutions to act as 'Founders' for the new domains.

We support ICANN's aim to ensure appropriate safeguards for both the public and owners of intellectual property rights in the new gTLD program. However, such safeguards do need to be balanced against the ability of a registry operator to successfully launch and then continue to operate a TLD, particularly when, as in this case, the domains in question have a broader public interest rationale.

Nominet, as I'm sure did many other applicants, began planning the launch of the .cymru and .wales TLDs well in advance, and described our plans in our applications, including the intention to secure key Founders. We did so on the assumption that provided the minimum requirements set out in the Applicant Guidebook were met, a registry operator was otherwise free to operate their launch in the way which they regarded as most likely to be successful.

However, those plans needed to be revised when the draft "Rights Protection Mechanism" document was published in April 2013, which clarified ICANN's expectations in relation to launch and appeared to be much stricter than anticipated, and again in September 2013, when that document was amended to introduce the various forms of approved launch program as alternatives to the standard model.

At that stage, it appeared that the Approved Launch Program (ALP) was the correct option for us. The ALP appeared to allow a registry operator great flexibility over the launch of their TLDs,

provided sufficient protection was given to the rights of intellectual property rights owners, and to the public. This was particularly so, as the impression was given that any launch plans described in an applicant's initial application would have a presumption of being approved. At ICANN 48 in Buenos Aires we understood that ICANN was not looking to put hurdles in the way of approving an ALP. The only other viable alternative, the Qualified Launch Program (QLP), was undefined at the time, and would limit any Founders program to no more than 100 names, which is of a much smaller scale than we had been planning for.

We submitted an application to have our launch plans approved as an Alternative Launch Program via the customer service centre on 24 January 2014 (for both TLDs) and were asked six follow up questions on 12 February 2014. We responded to those questions on 18 February 2014.

However, an addendum to the Rights Protection Mechanism document was published on 13 February 2014, which set out the rules under which a registry operator can launch via a QLP. On acknowledging receipt of our responses to the follow up questions, you indicated you would not be able to progress our ALP application due to the similarities between our launch plans, and the QLP rules, until the QLP public consultation process was completed. As it is unclear how long this will take, we are left in a situation of being uncertain about whether or when our ALP will be acceptable, nor whether we can use the QLP as it is currently described in the addendum in its place.

We believe that this decision unacceptably blurs the boundaries between the different launch models set out in the September 2013 document. In practical terms, it means that having carefully structured our approach so as to obtain ICANN approval of an ALP, we are now prevented from obtaining such approval because what we have submitted is deemed to be close in scope and intent to a model QLP approach which ICANN is indicating in its consultation that it is minded to approve.

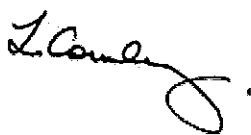
This continuing uncertainty has led us to delay the intended launch of the TLDs from May 2014 to September 2014, very close to the deadline which ICANN has itself set of 29 September 2014 for both our applications to complete contracting.

At the time of writing, it is still unclear when we can expect to receive further feedback on either contracting or our ALP application. We cannot therefore be confident that we will be in a position to launch even according to our revised plans.

We therefore urge you to reconsider whether early approval of our ALP can be forthcoming.

I will be attending the ICANN 49 meeting in Singapore along with other Nominet staff and would welcome the opportunity to discuss this issue with you.

Yours sincerely,



Lesley Cowley OBE
CEO