



# National LGBT Chamber of Commerce

March 1, 2018

**Via E-Mail**

ICANN Board of Directors  
c/o Mr. Cherine Chalaby, Chair  
12025 Waterfront Drive, Suite 300  
Los Angeles, CA 90094

Re: Support for dotgay LLC's Community Priority Application

Dear Members of the ICANN Board:

The National LGBT Chamber of Commerce ("NGLCC") submits this letter to the ICANN Board in order to express its support for dotgay LLC's ("dotgay") community priority application for the .GAY gTLD.

NGLCC is the largest global nonprofit organization creating economic opportunities for the lesbian, gay, bisexual, and transgender (LGBT) business owners and entrepreneurs. And while our organization and our partners represent a vast array of sexual orientations and gender identities, colloquially we are sometimes referred to as the "gay" community. We are the voice for the 1.4 million business owners that would be served by the .GAY gTLD in the United States, and the \$1.7 trillion that their enterprises add to the national economy each year. Over 190 corporations - including esteemed businesses such as IBM, Intel, and Ernst & Young - and prominent executive leaders support our organization and its goals.

Our members and we work to promote the gay community both in and out of the business world and thus support the promotion of the LGBT community in the Internet domain space. Dotgay plans to use the .GAY TLD to provide a form of self-empowerment for the LGBT community. The unique online space proposed by dotgay would be designed, governed, and managed by those it serves in order to protect and advocate for a population historically discriminated against around the world. We believe that dotgay will promote our community's interests by operating the .GAY gTLD in the Internet domain space and by providing a common, safe platform for NGLCC's constituents, and their businesses, to communicate and network. If dotgay does not manage .GAY, there simply exists no guarantee that the gay community's online experience can improve.

We have been following dotgay's application before ICANN with considerable interest, and indeed disappointment, by the manner in which it has been handled by ICANN. Despite the significant benefits that the .GAY gTLD will provide to the gay community, we understand that dotgay's application has not received community priority status, notwithstanding the considerable evidence that supports such status. As Professor William Eskridge explains in his Second Expert Opinion, ICANN has denied dotgay's community priority application in spite of the clear support that it received from LGBT organizations around the world, recognizing the clear nexus between the term "gay" and the LGBT community. As an application designed for, vetted by, and globally



endorsed by the LGBT community, dotgay's application for the .GAY gTLD clearly meets all of the requirements for a community priority application.

We are therefore surprised that FTI Consulting, Inc. ("FTI") found no inconsistencies in any of the CPEs - especially dotgay's CPE. FTI's independent review of the CPE process, which was supposed to be a thorough and fair analysis of the CPEs, is clearly unreliable and underscores the seemingly discriminatory fashion in which dotgay's application has been treated. We have reviewed FTI's three reports (the "FTI Reports") and determined that: (1) FTI's first report is one-sided, as it only examined documents from ICANN and the CPE Provider; (2) FTI's second report concludes that there was no discrimination in the CPEs *without* performing any substantive evaluation or outreach to subject matter experts like the NGLCC; and (3) FTI's third report serves no function other than a cursory cite-checking exercise. As such, FTI's independent review of the CPE process is inherently flawed and their conclusions regarding dotgay's community application must be rejected by ICANN.

We urge the ICANN Board to comply with dotgay's request to (1) review and agree with Professor Eskridge's Second Expert Opinion; (2) reject the findings made by FTI in the FTI Reports; and (3) grant dotgay's community priority application.

Sincerely,

**Justin G. Nelson**  
Co-Founder & President

**Chance Mitchell**  
Co-Founder & CEO