

**"Keep The Core Neutral" Coalition Launches
at ICANN Board Meeting in San Juan**
*Global Petition Urges ICANN
to Protect Free Expression and Innovation in Domain Name Policy*

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(San Juan, Puerto Rico) -- The "Keep The Core Neutral" campaign officially launched this week with an educational workshop at the 29th meeting of the Internet Corporation for Assigned Names and Numbers (ICANN) in San Juan, Puerto Rico.

ICANN handles technical coordination of the Internet and sets policy surrounding the domain name system (DNS), the Internet's basic addressing system that allows people to locate web sites and use email. The DNS is informally called the technical "core" of the Internet.

The Keep The Core Neutral Coalition launched with over 100 members from around the world, including both individuals and organizations. Coalition members signed a petition urging ICANN to resist efforts to evaluate applications for new generic top-level domains (gTLDs) based on non-technical criteria such as ideas about morality and competing national political objectives.

ICANN, a private California non-profit corporation operating under contract with the US government, currently accredits 15 gTLDs operating on the Internet, including familiar ones such as ".com" and ".net" as well as less well-known top-level domains such as ".biz" and ".info".

For many years, the Internet community has asked ICANN to open-up the gTLD space and allow for the registration of additional top-level domains. ICANN is now in the final stages of developing a policy to evaluate applications that will accredit such new top-level domains. Both ICANN's GNSO Policy Council and its Governmental Advisory Committee (GAC) are drafting recommendations to the ICANN Board of Directors, who is expected to make a final policy decision before the end of 2007.

The Keep the Core Neutral coalition is concerned that's ICANN's draft policy includes evaluation criteria that go well beyond technical considerations of operational stability and security and exceeds the organization's mandate of technical coordination.

In particular, ICANN is considering policy that would reject applications for new gTLDs if they violate globally fixed standards on "morality" or "public order". But the lack of global standards on morality and policy objectives invites nations with restrictions on free expression to impose censorship on the entire world by blocking the creation of certain domains. There is also

concern that religious institutions and business competitors will be allowed to object to new domain name applications based on non-technical and non-legal criteria.

ICANN creating a precedent for generalized public governance would be dangerous, as the private corporation does not have a democratic governance structure that is accountable to the public or that includes protections for the rights of Internet users.

The proposed policy also threatens to extend unrelated concepts derived from commercial trademark law onto non-commercial expression, but domain names are distinct from trademarks in significant ways. Trademark rights only regulate a particular type of commercial speech, but ICANN policy could expand trademark restrictions onto non-commercial expression and prevent online criticism of companies and products.

In a 27 June workshop at the San Juan ICANN meeting, a distinguished panel of legal and technical experts addressed these issues including former ICANN Board Member and attorney Michael Palage, who co-authored a 2006 essay "Please, Keep the Core Neutral", which served as the inspiration for the coalition's global petition.

The Keep the Core Neutral workshop was moderated by Robin Gross, IP Justice Executive Director and attorney who represents ICANN's Non-Commercial Users Constituency (NCUC) on the GNSO Policy Council. The workshop was co-sponsored by NCUC and the At Large Advisory Committee (ALAC) at ICANN.

University of Aarhus (Denmark) Professor Wolfgang Kleinwächter offered a historical context of free expression issues both generally and specifically within ICANN. He explained international freedom of expression standards, particularly those derived from Article 19 of the Universal Declaration of Human Rights, national limitations of those rights, and the limitations on those national restrictions.

An audience member took the microphone to express concern that if ICANN does not do the censoring for national governments on a global level, then repressive nations might use technical means to block access to gTLDs within their borders, and this would hurt free expression.

In response, Robin Gross explained that, "the point is not to encourage governmental censorship, but to recognize that we live in a world where that happens and we don't want to extend the censorship in one country to the rest of the world. Let's try to limit it as much as we can."

Syracuse University Professor and NCUC Chairman Milton Mueller argued that national governments should negotiate international treaties if they wish to form a global consensus on policy, and that if they could not do that, then ICANN was not a legitimate venue to short-cut the creation of global policy that cannot be reached by legitimate political means.

International trademark law expert Christine Haight Farley, a law professor at American University, explained that trademarks differ markedly from generic domains in that trademark rights are regionally defined and apply only to specific markets, while domains are globally accessible. Professor Farley also noted that trademarks are dependent on consumer expectations

and that legal remedies turn on the subjective response to a trademark rather than objective characteristics. She added that trademark rights are inherently contextual -- rather than absolute rights to prevent others from using words altogether.

Northeastern University Professor of Law Wendy Seltzer compared Internet core neutrality to the broader 'net neutrality' issue which offers a model for a "thin" process at the center of the Internet to maximize innovation at the edges of the Internet and minimize the "chilling effects" that result from a "race to the bottom" of permissible expression.

Technologists Ram Mohan, CTO of Afilias Limited from India, and Tan Tin Wee, Professor at National University of Singapore, argued that a well-defined gTLD process was important in order to move forward toward a unified protocol for defining international domain names that use non-Western characters, such as Chinese, Arabic, etc., and enable speakers of non-Western languages to use the Internet as readily as Western Internet users.

The Keep The Core Neutral Coalition is spear-headed by ICANN's Non-Commercial Users Constituency (NCUC) and is open to additional members over the coming months. The global petition will be delivered to the ICANN Board of Directors as it prepares to vote on its final new gTLD policy. Individuals and organizations are invited to join the coalition and sign the petition to protect free expression on the Internet.

The Keep the Core Neutral petition is available in English, Spanish, French, and Portuguese language translations on the campaign web site at:

<http://www.keep-the-core-neutral.org/>

Additional information:

<http://ipjustice.org/wp/campaigns/icann/gtlds/>

Transcript of Keep the Core Neutral Workshop:

<http://sanjuan2007.icann.org/files/sanjuan/SanJuan-NCUCALACWorkshop-27June07.txt>

Webcast of Keep the Core Neutral Workshop:

<http://sanjuan2007.icann.org/node/47>

Essay: "Please, Keep the Core Neutral" by Mike Palage and Avri Dori:

<http://www.keep-the-core-neutral.org/essay>

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