

Memo to Bruce Tonkin, Chair GNSO Council from Maureen Cubberley, Chair PDP Feb 06 Task Force

Dear Bruce,

During the Thursday, August 10th, 2006 PDP Feb 06 Task Force (TF) teleconference, a concern was raised by many of the Task Force members, and I proposed to make you aware of it by means of this memorandum, the purpose of which is to seek clarification from the Council and request that you communicate the contents of this memorandum to the ICANN Board.

I am requesting clarification on how our work relates to the renewal process for gTLD contracts. The issue was raised in light of the proposed renewals of three gTLD registry agreements with .biz, .info, and .org, as announced by ICANN staff on July 28, and which is concurrent with the Task Force's work to determine the policy issues specific to the renewal of existing agreements. The Task Force questioned whether it was appropriate for the ICANN staff to move forward with registry renewals that cannot be altered by subsequent Consensus Policies while the Task Force is working on contract renewal policy in parallel.

The question from the TF to Council is:

Given the existence of ICANN by-law annex A Clause 13, would Council please confirm to the Task Force that should the Task Force's recommendations lead to Consensus Policy (as described in Clause 13) that differs from contract wording, then all current gTLDs contracts would indeed be changed retroactively as a result? If not, the Task Force is looking for guidance on how to proceed.

It is important to note that while most members of the Task Force share these concerns, there is not unanimity in the group's opinion, and there was one opinion from the Registry Constituency in support of the continuation of contract negotiation in parallel with the work of the Task Force.

Given the Board meeting of September 13 it may be prudent to have a reply before then. Thank you for your consideration. On behalf of the Task Force, I await your reply.

Kind regards,

Maureen

Maureen Cubberley, Chair

PDP Feb-06 Task Force on Renewals of Existing gTLDs.