



## The Internet Corporation for Assigned Names and Numbers

30 March 2015

Nikolay Nikiforov  
Minister of Telecom and Mass Communications of the Russian Federation  
7, Tverskaya str.  
Moscow, 125375  
Russian Federation

Re: Delegation of the .OPF TLD

Dear Minister Nikiforov:

Thank you for your letter of 15 January 2015. We appreciate that you have written to us, and we have posted your letter to the gTLD correspondence page (<https://www.icann.org/en/system/files/correspondence/nikiforov-to-crocker-15jan15-en.pdf>).

We note your concerns regarding the delegation of .OPF to Public Interest Registry. As you know, Public Interest Registry was the sole applicant for the .OPF TLD, and it completed all New gTLD Program processes before its delegation on 5 March 2014. We would like to emphasize that the Applicant Guidebook was developed over several years of community input in ICANN's consensus-driven multistakeholder approach, and it was designed to implement policy that took the ICANN community nearly two years to develop before work on the Guidebook began. Accordingly, the Program processes defined in the Guidebook were agreed to by the wider community as the manner in which the community-developed policies were to be implemented.

The New gTLD Program provided several safeguards for members of the community to express concerns about applications:

- The Application Comments Forum was a mechanism for the public to bring relevant information and issues to the attention of those charged with handling New gTLD applications.
- Parties with standing had the option to file formal objections to be considered by a panel of qualified experts. Section 3.2.2 of the Applicant Guidebook describes four types of objections: (1) String Confusion Objection, (2) Legal Rights Objection, (3) Limited Public Interest Objection, and (4) Community Objection. Independent third-party dispute resolution providers administered the objection proceedings.
- Governments that wished to voice concerns or provide formal advice regarding names that might be objectionable or sensitive had the opportunity to do so via ICANN's

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Governmental Advisory Committee (GAC), in the form of GAC Early Warning or GAC Advice.

As you are aware, the .OPF application was subject to a Legal Rights Objection filed by Regtime Ltd. and Legato Ltd. Legal Rights Objections were administered by the World Intellectual Property Organization (WIPO) and evaluated by an expert panelist in accordance with WIPO's rules and the New gTLD Dispute Resolution Procedure in the Applicant Guidebook. On 23 August 2013, the expert panelist determined that the applicant had prevailed in the objection, and on 25 September 2013, ICANN accepted this determination and published it to the New gTLD Program's microsite (<http://newgtlds.icann.org/sites/default/files/drsp/25sep13/determination-1-1-910-36696-en.pdf>).

Your letter highlights the concern that the application process "might limit itself to very specific instances of Legal Rights including in the assessment of trademark right infringement." We acknowledge your concerns about the process and criteria used to review Legal Rights Objections. However, as highlighted above, the New gTLD Program provided additional protections for affected parties, including mechanisms specifically for governments. We note that the GAC did not issue an Early Warning nor did it issue Advice on the .OPF application.

ICANN is in the process of reviewing the New gTLD Program in anticipation of a second application round. We encourage you to submit any suggestions that you may have surrounding objection criteria or other Program processes through the appropriate public comment forum or to the Customer Service Center at [newgtld@icann.org](mailto:newgtld@icann.org). For more information on New gTLD Program Reviews, visit the New gTLD Program's microsite (<http://newgtlds.icann.org/en/reviews>).

Thank you for your participation in ICANN's multistakeholder process.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Crocker", written in a cursive style.

Steve Crocker  
Chair, ICANN Board of Directors