

Statement of Request for **Contract Protections**

To:

Andrew Sullivan, CEO, Internet Society

Gonzalo Camarillo, Chair, Board of Directors, Internet Society

Jon Nevett, CEO, Public Interest Registry

Lise Fur, Chair, Board of Directors, Public Interest Registry

June 24, 2020

Dear Internet Society and Public Interest Registry leadership,

We write to you during a global pandemic that has impacted every facet of work and communities around the world. A pandemic that has affirmed the need for the types of services, support and information provided by nonprofits and scientific and news websites that use .ORG domains.

We write to you as massive numbers of people throughout the U.S. and many other countries are protesting against police brutality and white supremacist policies and systems. Community organizing work that is led by Black leaders and their organizations, movements, and campaigns use .ORG domains to inform, engage, and call for change.

We write to you because the protections needed for the .ORG top-level domain are still unmet, leaving vulnerable the organizations working in society's most critical areas of service and change.

Background

On November 13, 2019, Internet Society (ISOC) and the Public Interest Registry (PIR) — the operator of the .ORG domain and its sole member organization — announced their intention to [sell the .ORG domain](#) to a hitherto unknown private equity firm for \$1.1 billion. This was announced as a “new era of opportunity” for .ORG.

The nonprofits and community-based organizations that rely on .ORG as a domain run by and for nonprofits were outraged. A [letter](#) sent on November 22, 2019, called for the sale to be stopped. This grassroots campaign to save .ORG quickly grew to global significance. It now includes 871 organizations and over 27,000 individuals from around the world, from African Freedom of Expression Exchange (AFEX) to YWCA. It is the

largest coalition of nonprofits ever assembled in support of a voice for nonprofit organizations within .ORG.

On April 30, 2020, the ICANN Board responded to the groundswell of opposition by [rejecting the change of control](#) of the .ORG domain. ISOC and PIR now appear to want to continue as if nothing happened, saying that .ORG is “[not for sale](#).”

More Protections Needed

While we are pleased that .ORG is not being sold to Ethos Capital, there’s nothing in their recent announcement that addresses the unilateral decision-making that led to the ISOC Board of Directors deciding in secrecy over a matter of weeks to sell the .ORG domain.

The SaveDotOrg coalition letter is clear: **decisions affecting .ORG must be made with the consultation of the NGO community, overseen by a trusted community leader.** Trust is earned, not given. And once lost, it must be earned anew. During the effort to sell .ORG, ISOC leadership repeatedly denied that it was bound by commitments to protect the public interest that ISOC explicitly made to the nonprofit community in 2002, and which ICANN ultimately upheld. They repeatedly described the .ORG registry as a commodity and a business to be disposed of at will. ISOC made no effort to conduct its own community consultations, and even disregarded the significant disapproval from many of its own chapters.

Meanwhile, PIR and ISoc actively supported Ethos Capital in standing up “community engagement” events that were in fact nothing more than a public relations campaign, offering no meaningful dialogue with the community.

These actions and the leadership behind them remain a matter of serious concern to those who rely on .ORG as a stable and secure online home for nonprofit organizations around the world. These breaches of trust make it clear that stronger accountability measures are necessary for maintaining the long-term health of .ORG, even without a change in ownership. The commitments that ISOC made to the world in 2002 when it was selected to operate .ORG by ICANN should be clearly updated and reinforced within the .ORG Registry Agreement.

As we stated in our November 22, 2019 letter, ISOC and PIR should amend the .ORG registry agreement to include commitments to:

1. Respect human rights, including privacy and freedom of expression, in policy and practice, including by complying with the UN Guiding Principles on Business & Human Rights;
2. Commit to avoiding censorship, including by implementing domain suspension policies that uphold the nonprofit community’s values and protect nonprofits from their

abuse by allowing domain suspensions only for narrow, well-defined categories of harmful conduct; and

3. Ensure affordability and fair pricing, including by committing to maintaining .ORG registration fees at or below the current level.

In order to build trust, ISOC and PIR should take the following actions:

1. Conduct a transparent, independent, third-party review of
 1. The process, actions, and decision points that led to the sale's initiation, proposal, evaluation, and approval, and
 2. The processes, actions, and decision points after the sale was announced, including specifically:
 1. The decision to ignore input from Chapters,
 2. The decision to disregard broad community mobilization, and
 3. Failures in due diligence on the sale's human rights impacts, including with regard to the harm the sale posed to the NGO community.
2. Report the findings of that review to the NGO community.
3. Engage in robust, inclusive consultations with the NGO community to amend ISOC and PIR processes, policies, governing structures, and any other structural or cultural challenges surfaced in the above review, in order to ensure .ORG users have a meaningful say in the governance and decision-making of both organizations regarding all matters that impact or influence .ORG now and into the future.

We look forward to your response and your actions to ensure real protections and safeguards for the .ORG domain.

The coalition understands that the Internet Society and the Public Interest Registry want to continue to run the .ORG domain, along with the right to spend the tens of millions of dollars in revenue that NGOs provide to support and fund you every year as you choose. The question now is: what meaningful steps are you willing to take in order to earn that right?

In service of all the organizations who signed on with this campaign and the communities around the world they serve,

EFF
NTEN
Access Now

CC: Goran Marby, CEO & President, ICANN
Maarten Botterman, Chair, Board of Directors, ICANN
ICANN Correspondence