



June 10, 2021

Krista Papac
Complaints Officer
ICANN
12025 Waterfront Avenue, Suite 300
Los Angeles, CA 90094

TRANSMITTED VIA ELECTRONIC MAIL TO: complaints@icann.org

Dear Ms. Papac,

Thank you for your confirmation letter of June 7, 2021. I am providing some additional materials and context here that will support your research and inform your analysis of this serious matter involving ICANN misconduct.

As you may know, [ICANN's Bylaws](#) prohibit ICANN from acting as a registrar for any reason (see Section 2.2). This prohibition has existed since ICANN's inception and originated in the [Memorandum of Understanding](#) (MOU) with the U.S. government, specifically found in section V(D)(1) and titled "Prohibitions." Although this MOU expired as a standalone agreement in 2009, it is merged by direct reference into the [InterNIC licensing agreement](#) between ICANN and the U.S. Department of Commerce (see section 14). This License, along with the merged MOU, has been extended twice, [most recently until January 16, 2025](#), and remains in full effect.

Yet ICANN, [by its own admission](#), acts as "both registrant and registrar for a select number of domains which have been reserved under policy grounds." However, the prohibition against acting as a registrar does not offer an exception for any reason. In any event, certain names either currently or previously held improperly by ICANN's prohibited registrar — including single-character labels in the .com, .net, and .org registries — were registered in 1993 by a U.S. government contractor while performing the IANA functions. Consequently, ICANN has no right to reserve these names and certainly not in a forbidden manner. This is particularly true with

respect to .com and .net single-character labels since single-character labels have been released in all other registries including, and likely improperly, those in the .org registry.

ICANN's Bylaws violations and attempted profiteering with an intended auction for o.com is causing or contributing to a whole host of harmful consequences. These include a redacted list of beneficiaries from the intended o.com auction that is spelled out in the [Second Amendment to the .com Registry Agreement](#). Redacting the identities of intended beneficiaries for proceeds from an illegitimate auction of an improperly held domain name does not serve the public interest in any way. Neither does the abusive conduct of Verisign, the .com and .net registry operator and an ICANN contracted party, that is violating my constitutional and civil rights as they attempt concealing these intended beneficiaries behind [absurd "trade secret" claims](#). I have also been made aware of ad hominem attacks being made against me on ICANN's Intellectual Property constituency email listserv in apparent violation of ICANN's own abuse policies. These harmful acts are being perpetrated against me for merely raising concerns about ICANN misconduct and for pointing out plainly seen Bylaws violations.

But, considering the recent IRP decision which found that ICANN violated its Bylaws with its handling of another auction, this time for the .web new gTLD, such misconduct clearly is now ICANN's standard operating procedure. However, it shouldn't be and isn't necessary to engage in expensive multi-year procedural efforts to compel ICANN's compliance with its Bylaws, particularly given the [2016 assurances offered in sworn testimony to Congress](#) by Goran Marby, Becky Burr, Steve Delbianco, Jonathan Zuck and others that Bylaws would safeguard Internet governance from misconduct and undue outside influence. Each of these individuals are senior leaders of the ICANN organization and stakeholder community and include ICANN's CEO, an ICANN Board member, and the longtime policy chair of ICANN's Business Constituency. Yet, these assurances provided by such influential leaders have proven meaningless as ICANN has fallen victim to capture by contracted parties and other interests as well as its own self-interested profiteering impulses.

As someone who contributed materially to the development of accountability mechanisms currently being flouted openly by ICANN in concert with certain stakeholders and

other interests as well as someone who is being harmed both directly and indirectly by ICANN's misconduct, I am unable to sit idly by as ICANN willfully disregards its Bylaws and contractual obligations and while my integrity and motives continue being impugned and my reputation harmed for the perceived impertinence of questioning such blatant misconduct.

I appreciate your attention to the important concerns that I am raising and encourage you to take as much time as needed for your review and analysis while understanding that I have no choice but to continue pursuing extraordinary measures until ICANN fully and unconditionally complies with its Bylaws.

Regards,

A handwritten signature in black ink, appearing to read 'G. Thomas', written over a horizontal line.

Greg Thomas