



ICANN awarding of closed generic TLDs - Statement of the Federation of European Publishers

The FEP represents 28 national publishers associations in Europe. It has been brought to our attention that ICANN was in the process of awarding closed generic TLDs such as „book“. We strongly object to such an awarding to individual commercial entities, especially to those operating within the book industry.

Similarly to the case of trade marks (where generic terms may not be registered), reserving the use of generic terms as gTLDs for individual companies is not desirable. From the point of view of consumer choice, locating a class of goods and a choice of suppliers with the help of the gTLD is by far preferable to its leading to a single producer or retailer.

Closed gTLDs should only be granted for brand names or terms in which the applicant possesses established intellectual property rights and / or trademarks. Otherwise nation-states' established legal procedures for obtaining intellectual property rights and trademark protections could be circumvented or undermined.

Nine different entities have applied for the „book“ gTLD – despite the high fee which applies. This clearly shows the high level of interest in this particular gTLD and gives an indication of the enormous potential it would offer an exclusive proprietor. If any of these applicants were granted the exclusive use of the gTLD this could de facto further strengthen the position of a single, already powerful operator and would be detrimental to the book industry as a whole. In e-commerce markets for books and e-books which are already dominated by a small number of strong players, this could lead to damaging foreclosure effects and the reinforcement of oligopolistic market structures, to the detriment of consumers.

At the very least, the winning applicant must be obliged to make the gTLD available without discrimination for registrations by all eligible parties, including all commercial entities within the book industry. Granting the “book” gTLD exclusively to a single company would also make it impossible for the public to participate by registering and using second level domains under this TLD. Such participation, however, would advance the development of topic-related groups of domains which are beneficial to all Internet users.

FEP
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