

Comments on the Proposal for a Specification 13
to the ICANN Registry Agreement to Contractually Reflect Certain Limited
Aspects of ".Brand" New gTLDs

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Public Comment URL: <http://www.icann.org/en/news/public-comment/spec13-06dec13-en.htm>

The undersigned registrars ("Registrars"), some of whom may also present individual comments, respectfully submit the attached comments on the Proposal for Specification 13 to the ICANN Registry Agreement to Contractually Reflect Certain Limited Aspects of ".Brand" New gTLDs and are available to engage on any questions or comments.

We thank the Brand Registry Group (BRG) for preparing this proposal, and look forward to future collaborations with this new organization.

Registrars generally welcome the concept of a TLD operated by a brand owner for their own exclusive use, and recognize that these TLDs have distinct needs that may differ from those of general use TLDs. However, we cannot support several sections of the draft proposal as currently written, as we believe it creates the potential for abuse in the new gTLD program. Of particular concern are Section 3 and Section 5 of the Specification.

Regarding Section 3, while we do not object to the proposed language and recognize that it may not be appropriate for some TLDs to be re-delegated by ICANN following a termination of the registry agreement, we propose that the TLD operator should be obligated to take steps to notify affected third parties, such as operating system vendors, browser developers, SSL Certificate Authorities, major ISPs, and other relevant industries or organizations.

Our overall concern with the proposed language in Specification 13 is that if this proposal were adopted as written, it could re-introduce the concerns of equal registrar access and undermine the registry-registrar model for domain names. This could give rise to TLDs where the registry, registrar and registrant (or a subset of those roles) are the same entity, and the beneficial user of the domain name lies with another party.

For example, a broad interpretation of 5.1(ii) and 5.2 would seem to imply that the TLD could offer a limited license of its trademark to unaffiliated parties, and then permit these licensees to register or use domain names in the TLD. These licensees would behave like registrants, but without the rights or responsibilities currently provided for under the RAA and ICANN Consensus Policies. In order for

this problem to be addressed in the current proposal, we recommend the phrase “Trademark Licensee” and the entirety of Section 5.2 be struck.

Finally, we would also like to note that there is a mechanism already in place to request and grant an exemption/waiver from the Registry Operator Code of Conduct (Specification 9). Knowing this, we respectfully request that the BRG outline its specific concerns with the existing process, and articulate why it would fail to provide for the needs of their TLD.

Thank you,

Luc Seufer, EuroDNS
James Bladel, GoDaddy
Bob Wiegand, Web.com
Jeff Eckhaus, enom / Name.com
Volker Greimann, Key Systems
Theo Geurts, Realtime Register
Chris Pelling, NetEarthOne
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Rob Golding, Astutium Ltd
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