



Comments on Draft Expression of Interest/Pre-Registrations Model

The Coalition Against Domain Name Abuse (CADNA) appreciates the opportunity to comment on ICANN's Draft Expression of Interest/Pre-Registrations Model.

CADNA does not believe that ICANN should move forward with the Expression of Interest (EOI) model as proposed. There remain a variety of problems with the Guidebook that ICANN has yet to resolve, including the potential for infringement, malicious conduct, and compromised Internet security, and yet the EOI process appears to try and circumvent much of this by requiring phase one applicants to "express their interest" before these overarching issues have been adequately resolved. Moving forward with the EOI would undermine the bottom-up policy development process currently at work; as the Internet community attempts to see whether and how to move forward with the new TLD launch, the EOI pushes the new TLD launch forward without the due process demanded by ICANN's stakeholders. Rather than moving forward with the EOI, ICANN should focus on addressing the concerns surrounding the new TLD launch that have yet to be adequately addressed by the organization and its Draft Applicant Guidebooks, such as the demand for such a launch, its possible effects on the domain name space, business and Internet users alike, and trademark protection concerns. By requiring participation in the EOI for access to the first round of new TLD applications, ICANN is essentially asking applicants to agree to participate without knowing how the final process will take shape.

While the EOI is being billed as a process by which to gauge demand, it is not structured in a way that would gather information and study demand; instead, with participation in the EOI mandatory for eligibility in the first application round for new TLDs and a \$55,000 price tag, the EOI only serves to move up the process of applying for a TLD. This mechanism will play on the fear of potentially being "left behind," will artificially inflate demand and ultimately squander the opportunity to genuinely study the demand for new TLDs.



CADNA is also concerned that the demand demonstrated during the EOI, albeit falsely inflated, may pressure ICANN to move forward with implementing the gTLDs before resolving these problems. In the EOI proposal, ICANN states that there is a possibility that parties will push for changes to the Guidebook based on the published list of strings defined during the EOI process. Although ICANN points out that it is important to avoid such an occurrence, it provides no suggestions or ideas for how to go about preventing it. It is crucial that this process is not a black box –all members of the Internet community must have access to the list of applied-for strings and applicants. CADNA recommends that ICANN make this information available as it happens. This would also be beneficial if the way that an EOI application reserves TLD strings is on a first-come, first-served basis. If all members of the Internet community do not have access to the list of applied-for strings and applicants, they will be forced to waste time applying for strings that are already taken. To promote fair competition, potential applicants should have the opportunity to see what strings are being registered so they can better weigh their decision regarding whether to participate in the EOI.

The model as currently presented is incomplete, leaves questions unanswered and seems to be just a way for ICANN to move their initiative forward without responding adequately to the over arching issues that have been raised. We recommend not allowing the EOI to proceed and instead focus on addressing the issues before us.