

Survey on new models for domain name registration

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In an effort to foster a constructive dialogue within the Vertical Integration Working Group, the following is a survey jointly submitted by Michael Palage, Avri Doria and Milton Mueller. The impetus for this communication in part is a need to "think outside the box" given the broad/ambiguous wording of the ICANN Board Resolution. We believe the proposed survey could initially be completed by the Working Group members and then perhaps by the broader ICANN community to discuss a broad range of innovative distribution models within the domain name marketplace. We believe this survey provides a means to foster meaningful discussion, not in the abstract, but in clear terms to perhaps help the group identify some ideas, principles and philosophies which may provide a basis for moving forward as we evaluate potential options.

While ICANN has repeatedly heralded the new gTLD process as promoting innovation and competition, the model for how domain names will be registered and used remains mired in a rather 1999 registry-registrar dichotomy. While that model worked in breaking up a legacy monopoly and spurring innovation and competition in the marketplace, there is a need for some constructive dialog on whether that legacy model scales in tomorrow's marketplace.

Listed below are a list of hypothetical new TLDs and the proposed distribution structure that these hypothetical TLD may wish to use.

IMPORTANT DISCLAIMER: THE USE OF SPECIFIC COMPANIES NAMES, TLD STRINGS AND FACT PATTERNS ARE MERELY HYPOTHETICAL AND DESIGNED TO STIMULATE DISCUSSION WITHIN THE BROADER ICANN COMMUNITY ABOUT POTENTIAL NEW AND INNOVATIVE MODELS FOR THE DNS.

In responding to this survey, respondents are asked to rank each proposed hypothetical TLDs on a scale to 1-5 using the following criteria:

- 1 (No concerns – the proposed benefits clearly outweigh the risks);
- 2 (Some concern - but the benefits outweigh the risks, and adequate safeguards should be able to address any potential harm)
- 3 (Reservation – unclear if benefits can outweigh the risks, and if safeguards will be able to address the potential harms)
- 4 (Strong reservation – doubtful that benefits can outweigh the risks, and that safeguards would be able to address the potential harms)
- 5 (Opposition – the risks clearly outweigh the potential benefits)

Note: Several of the hypothetical TLDs in this survey propose a truly vertically integrated model in which registries would be able to provide “direct” domain name registration services to registrants, e.g. no required use of ICANN accredited registrars. In any model in which this vertical integration model is proposed, it is explicitly implied that any registrant safeguards /obligations provided for by the RAA would be incorporated into the end registrant agreement by the Registry.

Hypothetical #1

American Express seeks to apply for a .AMEX TLD. They wish to issue second level domains that directly relate to their client’s merchant number/terminal ID to be used in connection with a variety of proposed security/trust enhancements. These domain names/unique identifiers are non-transferrable. Because of American Express’s existing contractual relationship with these merchants, American Express would like to directly register and maintain these domain names within the registry database as part of its normal customer account interface. American Express submits that there is no need (value) for it to become an ICANN accredited registrar and that providing other ICANN accredited registrars access to the registry system would pose a security risk since it would be integrated into its financial transaction network.

Hypothetical #2

The National Basketball Association wishes to apply for .NBA TLD which it will use in connection with normal business operations. The NBA wants to directly register/maintain within the registry a limited number of domain names (< 1,000) in connection with normal operations, e.g. commissioner.nba; draft.nba, etc. However, the NBA proposes to require all NBA sponsors (e.g. Nike, Gatorade) and any current/former players (e.g. LEBRON.NBA, JORDAN.NBA)that would be permitted to register second level domain names do so through an ICANN accredited registrar. For security proposes the NBA would like to impose an addition accreditation process for all ICANN accredited registrars before accessing the registry, similar to the authority that all sponsored TLDs currently have today.

Hypothetical #3

Disney secures a .KIDS TLD and proposes to reserve a limited number (< 2,500) of premium names (e.g. TV.KIDS) exclusively for its use. Disney agrees to register all domain names within the TLD through ICANN accredited registrars. Disney, however, seeks to impose an additional accreditation process requiring registrars to immediately take down domain names with content that Disney deems inappropriate.

Hypothetical #4

The ccNSO decides that ASCII and extended ASCII names will not be permitted as ccTLDs. The Åland Islands (.ax) wishes to have a more intuitive TLD string for Internet

users to associate with the island. Their ccTLD operator (with full approval of the government) apply for a gTLD and propose using their existing direct ccTLD registration methods, which may or may not involve ICANN accredited registrars.

Hypothetical #5

The Sámi people seek to apply for .SÁMI community TLD and successfully secure the approval of the relevant authorities. In their new gTLD application, the Sámi people identify the registry operator of the .SE ccTLD as their proposed backend registry infrastructure provider. In their business plan, the Sámi people explain how they wish to provide domain name registration services through an online interface made available to the following ccTLD operators (Norway, Sweden, Finland, and Russia) as well as through ICANN accredited registrars. As a community gTLD all registrants will be required to comply with the additional contract terms incorporated into the registry agreement as per the original application.

Hypothetical #6

Comcast applies for .COMCAST TLD to provide subscribers of its high speed internet service with a personalized second level domain name registration. This free domain name is integrated into the existing free email and web hosting services that Comcast provides all of its customers. Comcast would like to directly register and maintain these domain names within the registry as part of its normal customer account interface. Comcast submits that there is no need (value) for it to become an ICANN accredited registrar and that there is no need to provide other ICANN accredited registrars access to its registry system.

Hypothetical #7

Facebook applies for a .FACEBOOK TLD and decides to provide members with the option of a personalized second level domain names to be used exclusively in connection with Facebook's existing service offerings. In order to provide and maintain its members with an integrated user experience, all domain names in the TLD will be registered and maintained exclusively through a separate Facebook subsidiary that is an ICANN accredited registrar.

Hypothetical #8

eNom seeks to apply for .WEB TLD and create a new social networking site to compete with Facebook and MySpace. This business plan involves giving away domain names for free through its eNom affiliated registrar and to reserve premium domain names such as dating.web, sports.web, etc. for its exclusive use (e.g. would not be made available for general registration). Unlike Facebook which prohibits the transfer of a user account/screen between parties, eNom seeks to develop a secondary market similar to domain names and allows for .WEB domain names (screen names/user ids) to be sold

and transferred between parties. eNom proposes to permit all ICANN accredited registrars to provide domain name registration services within this TLD.

Hypothetical #9

New York City applies for a .NYC TLD. In response to recent legal decisions in which domain names have been subject to the jurisdictions of foreign courts based solely on the presence of the ICANN accredited registrar within that jurisdiction, New York City's legal department wants to ensure that New York City is the venue for all legal disputes involving .NYC domain names. To achieve this important public policy goal, New York City has selected a vendor that will host the main registry database within the city, and wants to limit registration services to only those ICANN accredited registrars with offices within the city.

Hypothetical #10

The International Gay & Lesbian Human Rights Commission (IGLHRC) applies for a .GAY TLD. In an attempt to protect .GAY registrants from unwanted persecution and/or criminal charges in those countries where homosexuality is a crime, the registry operator proposes a registry proxy registration service in which registrars would have limited access to the underlying whois data. The Registry Operator seeks to deny access to any ICANN accredited registrars that will not adhere to the terms of the Registry proxy registration service.

Hypothetical #11

Apple secures a .MUSIC TLD. This TLD was secured via an auction after other proposed community applications failed to meet the appropriate community threshold criteria (14 points). Apple reserves a limited number of premium domain names (< 5,000) for general use, however, it agrees to use ICANN accredited registrars when these domain names are activated. Apple intends to make domain name registration services available through all ICANN accredited registrars, however, registration will only be made available to those subscribers that have an account with iTunes. Because these domain names will be associated with a specific iTunes subscriber, the domain names will not be transferable.

Hypothetical #12

Google applies for a .BUZZ TLD and intends to provide subscribers with free domain names that can be used as a portal for Google's various online services (gMail, cloud service, news, maps, etc.). These domain names would only be provided to existing Google subscribers, and the domain names would not be transferable. Because there is no proposed portability of these domain names, Google proposes to use its current ICANN Registrar accreditation as the sole/exclusive registrar for these domain names.

Hypothetical #13

Research in Motion applies for a .RIM TLD. It is the intention of the registry to provide every Blackberry device with a second level domain corresponding to the Personal Identification Number (PIN) assigned to each phone. Research in Motion proposes to register/maintain these domain names directly in the registry database, and provide the end user and their mobile service provider of choice an interface to use/configure the domain name. Because these domain names are uniquely linked to each phone and these domain names are non-transferable, Research in Motion sees no value/utility in the use of ICANN accredited registrars.