

COMMENTS ON THE PROPOSAL FOR THE CREATION OF A NEW
sTLD “.mobi”
APPLIED FOR FROM ICANN BY MOBI JV

The aim of the present report is to define the views of Telefónica Móviles, S.A. (hereinafter TEM), regarding the proposal submitted by the private entity Mobi JV, formed, among others, by Nokia, Vodafone, Microsoft, Orange, TIM, and T.Mobile, to ICANN, applying for the creation and awarding of the sTLD (Sponsored Top-Level Domain) **.mobi**, for management and administration purposes.

To this end, we are going to indicate the main objections to the possible establishment of the domain .mobi which, from the point-of-view of the mobile communications business, we believe it appropriate to point out:

1. ASSIGNMENT AND MANAGEMENT OF DOMAINS:

The proposal from Mobi JV does not contain sufficient information to identify the services that would be offered via this new range of names, but it can be readily deduced that the existence of a mobile domain will allow for associating domain names with specific mobile devices, which will allow direct peer-to-peer communication via the data networks.

In this way, the numbering would be replaced by the domain names, which means that assignment and management of the numbering, by the Public Authorities, would be replaced by the registration and management of names realised by a private entity.

It should be pointed out that within the framework of European regulation, numbering is a facility that is publicly owned and is of a limited nature. As a result of the combination of both circumstances, the State reserves the right to approve National Numbering Plans and Regulations regarding the Assignment and Reservation of public numbering facilities, which govern the orderly allocation and efficient management of resources, it therefore being understood, under regulation in force, as being an essential condition for guaranteeing the inter-operable working of networks and the supply of telecommunications services.

Against this background, a major part of the sectoral regulation required of the operators of mobile communications services would be bypassed, to the detriment of the user; a third entity would come to control both voice traffic and value-added services and invoicing, thereby relegating the operator to being a mere data carrier.

2. MOBI JV:

ORGANISATION OF THE COMPANY: As we have mentioned, the private entity Mobi JV, founded by Nokia, Microsoft and Vodafone, is comprised of manufacturers, mobile operators, providers of contents and services, as well as various investors with interests in the field of mobile communications.

Management of the company's organisation has been entrusted to a Committee made up of 17 members, designated by the

companies investing in Mobi JV; however, the following points are not specified:

- *The criteria for the appointment of members;*
- *The voting value of each member;*
- *Existence, or not, of the Right to Veto, on the part of the founding partners;*
- *Decision-making.*

The Committee is to create two consultancy groups: **MAG**, made up of members with commercial interests, and the **PAG**, comprising members from within the industry: service providers, manufacturers, ISPs, contents providers, etc., and appointed by the MAG, both of these being involved in decision-making.

DISCRETIONAL NATURE OF DECISION-MAKING

The Committee, including against the recommendations of the aforementioned consultancy groups, reserves the right to adopt the final decision. Without implementing any procedure for challenging the decisions approved by the Committee.

The absence of such procedures and the lack of clarity and involvement in the drafting of standards such as:

- Determination of the criteria for the registration of .mobi domains.
- Setting of prices for registration, as well as the existence and creation of new products.

- Establishment of sunrise procedures, that would respect the preferential registration rights of those companies whose brand names coincide with the domain applied for.
- Establishment of policies and “good practice” regarding mobile services and contents.
- Management and resolution of disputes regarding the registration of .mobi domain names.

In the light of what has been stated, due to the discretionary nature governing the policies of Mobi JV, TEM believes that any decisions that might be adopted could lack the essential legal transparency and safety, bearing in mind their possible impact on the provision of mobile telecommunications services.

3. MANAGEMENT OF PERSONAL DATA

The assignment of domain names which are associated with individual devices means that the management of personal data relating to the customers of the operators is transferred to a third company.

There is no information in the proposal to allow for evaluating compliance on the part of such management with standards governing data protection; nor is consideration given to the threat of **spamming**, which is of greater relevance in the mobile environment, both because of the nuisance that the said activity implies, and the cost that incoming traffic implies for the customer.

4. AIM OF THE PROPOSAL:

The proposal does not lay claim to the actual need for establishing specific domain names for mobile devices. If the aim of the domain is to resolve problems regarding the adaptation of contents and services, the current disparity existing in wireless terminals prevents such problems from being resolved in this way.

In this respect, we believe **it should not be the access technology, or the type of terminal, or the communications protocol, that should be the aim of differentiation by means of top-level names, but the type of contents or the source of the information**, these being parameters which are much closer to the end-user.

CONCLUSION:

In the light of the arguments put forward, TEM believes that there are too many aspects, with regards to the existing terms in the proposal submitted by the entity Mobi JV, that are clearly unrefined and which generate uncertainty regarding application of the sTLD .mobi, in the business of mobile communications, as well as the possible repercussions this would generate.

Finally, TEM recommends the submission of a new proposal by Mobi JV, which specifies the points raised, and whereby it will be possible to re-assess the viability of the development and establishment of the sTLD .mobi.