

London, November 16<sup>th</sup>, 2010

## **Telnic's response to GoDaddy's comments.**

We were surprised to see GoDaddy's objection to Telnic's RSEP proposal to remove the restriction on all-numeric strings in .tel. As described below, we respectfully disagree with GoDaddy's objections.

### **The proposed changes do not alter the fundamental nature of the .tel TLD**

GoDaddy's objection is based on its assessment that the release of all-numeric strings in .tel is such a fundamental change to the nature of .tel as to amount to an entirely new TLD that should be subject to rebid. This assessment is incorrect. The restriction on all-numeric strings has nothing to do with the nature of .tel and was instead a measure put in place to address initial concerns about potential conflicts with ENUM.

.tel is an sTLD put in place to serve the community of users who wish to use a TLD to store and publish their contact information in the DNS. This community is clearly described in the .tel charter, which can be found in Appendix S of the .tel Registry Agreement. .tel is unique among all current TLDs in that it uses the DNS in an entirely different way, using NAPTR records instead of traditional machine addresses. Availability or non-availability of numeric-only strings is simply a syntactic rule and is clearly non-essential to the core mission of the TLD. The definition of the .tel sponsored community and the unique nature of .tel are unchanged by this proposal.

The requirement to restrict availability of numeric-only names was formally established in 2006. It was intended to address an isolated concern that existed at that time: the concern of a conflict between the .tel concept and ITU's ENUM system. We believe time and the growing understanding of the .tel technology have proven such a conflict does not exist.

Telnic has always believed that .tel serves a different purpose than ENUM. Machines use ENUM in call routing, but .tel focuses on people, both as the people who publish their contacts and as the people who read and use that data. Indeed, we have already committed (on our own initiative) to render .tel incapable of supporting an ENUM system, as reflected in our initial comments on our proposal:

“Telnic believes it is important to avoid conflict with ENUM, so it will continue to forbid the registration of single digit domain names in .tel. Such domain names would be necessary for creating an ENUM tree under .tel, so forbidding them makes a .tel-based ENUM system impossible.” (see <http://forum.icann.org/lists/name-numbers-and-hyphens-domains/msg00001.html>).

Finally, we note that no member of the telecommunications industry has objected to the Telnic proposal, a fact which should lay to rest any concern that the requested change would position .tel as an ENUM system or an ENUM competitor.

### **Basis for Telnic’s selection by ICANN**

In its objection, GoDaddy claimed that the restriction of all-numeric strings was a key basis on which ICANN selected Telnic to operate .tel over a competing application from Netnumber/Pulver. This claim is simply not true.

The core design of the Netnumber/Pulver .tel proposal described an alternative or competitor to the ITU's ENUM system. Given the ITU's earlier comments on telephony-related TLDs (from the 2000 round) and the strong reactions of a number of telecommunications providers to Netnumber/Pulver's 2004 proposal, their application was refused.

Telnic, by contrast, proposed a .tel that would not and could not compete with ENUM, by virtue of the technology used to operate it and the limited purposes to which Telnic domains could be put. It was on that basis, not a restriction on all-numeric strings, that ICANN selected Telnic to operate .tel. As explained above, the restrictions that we at Telnic have offered to impose on ourselves – the continuing restriction on registering single-digit domains – maintains Telnic’s commitment.

### **RSEP procedure is applicable for effecting the proposed change**

Finally, we disagree with GoDaddy’s argument that requesting this change through the RSEP process is inappropriate.

Rules that determine which domains are available for registration fall under the definition of Registry Services given in paragraph 1.1(C) of the ICANN Registry Services Evaluation Policy, as a part of a service that only a registry operator can provide. Changes to these rules are subject to the RSEP under paragraph 1.1(D) of the Policy.

As GoDaddy noted, in the past, many registry operators (including those operating other sponsored TLDs) have used the RSEP to change name eligibility and selection rules in their TLDs (see requests by .name, .mobi, .cat and others at <http://www.icann.org/en/registries/rsep/>). In addition, ICANN on a number of occasions indicated that RSEP is the process that should be applied to such requests. To our knowledge, no member of the ICANN community – including GoDaddy - has objected to the application of the RSEP to these other requests, and we see no reason why the RSEP should not apply to this request.

In this specific case, no registry has objected to the .tel proposal (nor to the same proposal from .name), despite the fact that, as competitors in the market, they arguably have the strongest incentive to do so. Further, with the exception of GoDaddy, the feedback from the registrar community was very positive as additional names available in .tel mean more business for the registrars.

Indeed, the only objection received to the .tel proposal was the objection from GoDaddy. As GoDaddy is not a registry itself, and is currently not distributing .tel domains in its capacity as a registrar, the proposal has literally no impact on GoDaddy from a competitive or other standpoint. It is difficult, therefore, to understand its decision to object in this instance.

## **Summary**

In short, the proposed amendment does not change the essential purpose of .tel, nor does it go against the reasons Telnic was selected to operate .tel. Rather, it does away with a legacy restriction imposed to address ultimately unfounded concerns that Telnic would operate .tel as an ENUM system or as a system that would compete with ENUM.

We strongly believe the RSEP procedure is the correct way to implement the change we have requested as other TLDs have done in the past. We therefore kindly request that our proposed amendment to the registry agreement be approved by ICANN.

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