



24 April 2016

Com Laude Comments on Amazon Registry's Proposal to Launch a Registration Authentication Platform for the .Moi TLD

Com Laude appreciates the opportunity to provide comments to Amazon Registry's proposal to launch a Registration Authentication Platform for the .Moi TLD.

Com Laude is an ICANN accredited registrar which offers a full range of professional domain name management services for brand owners, law firms and trademark attorneys worldwide. We register and renew domains in every extension available - gTLDs, new gTLDs and ccTLDs - and we manage domain name portfolios for global leaders in fashion, finance, food and wellness, luxury goods, media, online gaming, pharmaceuticals, and a host of other industries. Our sister company, Valideus, provides a wide range of services to new gTLD applicants and registry operators.

It is a matter of public record, but in the interests of full transparency Com Laude provides corporate registrar services to Amazon in its capacity as a domain name registrant, and Com Laude's sister company, Valideus, provides consultancy services to the Amazon Registry business. As a member of the Registrar Stakeholder Group Com Laude is aware of the assertions being made by some of our registrar colleagues in objection to Amazon's proposal. Such assertions appear to be an attempt to turn back the clock on vertical integration, and ignore the innovations in registrant validation and verification developed over the last few years by a number of registries keen to create a safe and trusted TLD environment. Whilst those registrar comments have not garnered sufficient support to stand as a formal RrSG position we anticipate they will be submitted by a sub-group of registrars. Com Laude submits its own comments therefore in anticipated response, and in response to the comment submitted by Konstantinos Zournas.

We support Amazon Registry's proposal to launch a platform aimed at ensuring registrants meet an objectively defined set of criteria to ensure the integrity of the .moi TLD. We believe that pre-registration eligibility validations and the use of "tokens" improves competition when it is aimed at creating a trusted domain name space. Although it is true that the use of such tokens and pre-registration eligibility validation places the registry operator in between the registrar and its customers, we believe that so long as registry operators adhere to the Registry Agreement -- and there is no reason to believe that Amazon Registry will not -- we are not concerned about a potential for abuse by the registry.



a) Use of Tokens.

We disagree with the position taken by certain Registrars on the use of tokens for pre-verification purposes. We believe that it is a perfectly acceptable way to ensure that a registrant meets certain registration policy eligibility requirements. Tokens have been used with a number of TLDs beginning with .travel, .nyc (during its City Affiliated Phase), .pharmacy and others to ensure that only those that are the intended registrants are able to get those domain names. In essence, the use of tokens provides one of the greatest public benefit safeguards; namely that the domains only go to those parties that legitimately meet any validation or verification requirements. We are surprised by comments from some that imply that only the Registrars should interact with the Registrants especially when it is the goal of the Registry to maintain the integrity of their TLD.

Certain registrars conclude that the use of pre-registration verification tokens negatively affects competition. They believe that because information is provided directly to the registry, that this “support[s] the motivation for this practice is strictly to utilize that opportunity to offer unsolicited products and services.” We do not believe this to be the case.

As a registrar, we offer hundreds of domain name extensions to our customers. We do not have the time, resources or ability to focus on any one individual TLD. Ultimately, it is the registry, and not the registrar, that will have to answer to consumers in the event that the integrity of a TLD is damaged because of harm caused by unqualified registrants. Therefore, pre-verification of registrants can promote competition because it ensures the integrity, trustworthiness and quality of the TLD which better enables it to compete with those TLDs for which no pre-verification is provided.

B) Access Issues

Some registrars have argued that the Amazon Registrar (because it is part of the family of Amazon companies) would be “in a position of advantage over all” other registrars. Therefore, they argue that the very nature of Amazon controlling a registry and a registrar at the same time would lead to Amazon “directly or indirectly show . . . [preference] . . . as it relates to operational access to registry systems and related registry services’ where the same is not capable of being provided to all other registrars.”

At its core, these Registrars are seemingly arguing against vertical integration. We believe the train has left the station with respect to vertical integration. To date,



Registrars have not objected to any other vertically integrated registries offering non-Registry services (including Uniregistry, Radix, Rightside, and Google to name a few). We do not believe that it is unacceptable for a company like Amazon to do what these other companies have been doing for some time. To apply different standards to Amazon Registry than it does for each of the other vertically integrated entities would single them out for disparate treatment – especially when there is no factual basis to believe that Amazon Registry has not adhered to its vertical integration-related obligations under the Registry Agreement.

C) Moving Eligibility Checks to the Registrar

Some have argued that one way to “fix” Amazon Registry’s proposal is to move the registrant eligibility check to the Registrar, with Amazon Registry retaining the right to cancel ineligible registrations within a given window. We believe that this recommendation is flawed for a number of reasons.

First, eligibility checks at the Registrar-level generally require significant resource allocation by the Registrars. As stated above, registrars generally do not have the time, money or resources to devote to doing eligibility checks on registrants, especially where the eligibility requirements are set by the Registry. For example, with respect to a .bank, .pharmacy or even .travel, registrars are not subject matter experts in any of these areas and could not apply the eligibility criteria as diligently as the Registry.

Second, allowing Registrars to check eligibility criteria would likely lead to different and inconsistent interpretations of such criteria. This could lead to forum shopping whereby a registrant seeking to get around the rules could find the registrar that applies the least stringent criteria and elect to use that registrar solely to obtain an unauthorized registration.

Third, Registries are in the best position to answer questions about eligibility criteria. As the developers of the registration policies, registries are often required to provide customer support to registrants (and prospective registrants) on those policies, interpretations and enforcement.

Finally, as stated above, Registries are ultimately accountable for the integrity of their TLDs. In the event that there are unqualified registrations in the TLD, it is the Registry that suffers the most damage both to their own reputation and to the integrity of the TLD.

For all of the above reasons, having registration policy eligibility centralized at the Registry Operator is preferable to us than having a decentralized model of eligibility



checks leading to different interpretations and implementations of the eligibility requirements.

We thank ICANN for taking our comments into consideration.

Yours sincerely,

/s/

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