Date: 24 April 2016

To: comments-moi-registration-auth-02mar16@icann.org

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This public comment represents the views of the following ICANN-accredited registrars ("Registrars"):
- Astutium Ltd.
- Blacknight Internet Solutions Ltd.
- Domain.com, LLC
- EuroDNS S.A.
- GoDaddy.com, LLC
- Hosting Concepts B.V. d/b/a OpenproviderNetEarth One, Inc.
- Key-Systems GmbH
- Netistrar Ltd.
- Network Solutions, LLC
- Nordreg AB
- Realtime Register B.V.
- Tucows Domains Inc.

The Registrars appreciate the opportunity to file a comment.

Innovation is no strange concept amongst the registrars and is often a competing element. As such, the Registrars welcomes the innovational efforts displayed by Amazon Registry Services, Inc. ("Amazon").   Likewise, we acknowledge the vertically-integrated nature of some TLDs, and the competitive environment surrounding value added tools & services. This is now a function of our industry, and if properly managed, can enhance the choices available to consumers.

Regarding the proposed amendment for .MOI, the Registrars observed and identified the following:

RSEP

We have serious concerns as to whether RSEP is the best or appropriate mechanism to adopt significant and material changes to a TLD. RSEP states:

"1.1 Registry Services are defined as the following:

A. those services that are both: (i) operations of the registry critical to the following tasks: the receipt of data from registrars concerning registrations of domain names and name servers; provision to registrars of status information relating to the zone servers for the TLD; dissemination of TLD zone files; operation of the registry zone servers; and dissemination of contact and other information concerning domain name server

registrations in the TLD as required by the Registry Agreement; and (ii) provided by the Registry Operator as of the Effective Date of the Registry Agreement, as the case may be;

B. other products or services that the Registry Operator is required to provide because of the establishment of a Consensus Policy (as defined above);

C. any other products or services that only a registry operator is capable of providing, by reason of its designation as the registry operator." (Emphasis added.)

Nothing in Amazon's amendment identifies products or services meeting the requirements of RSEP, e.g., critical registry operations, required to be provided because of a consensus policy, or that only a registry operator is capable of providing. Ultimately, permitting such material and significant modification of the operation of any gTLD by manner of an RSEP (i.e., short of Consensus Policy via PDP or other mechanism) disregards the value of the new gTLD application, review and approval process. Utilizing RSEP simply leaves too many questions unanswered, including 1) whether verification will be required for the reassignment of the registrant of the name post-registration or 2) if change of registrant or sale in the aftermarket is affected.

Registration Tokens & Pre-Registration Verification

We recognize the utility of registration tokens and pre-registration verification procedures, but in limited circumstances. Historically these practices have been limited to community and sponsored TLDs, as Amazon's proposal has highlighted. While this practice is not explicitly prohibited under gTLDs, we believe that post-delegation inclusion of these practices should only be allowed in compelling circumstances because they are, in effect, retroactively "closing" what was applied for and approved to be operated as an open, generic TLD.

Customer Experience

We are concerned that the use of tokens, as proposed by Amazon, could have a negative impact on customers and could potentially create opportunities for abuse. Under the proposed use, "Amazon Registry intends for the tokens it will use to be unique to a specific domain name and valid for a set duration that will be communicated to the customer. Customers will not be aware of the token per se, but will be aware of any time limitations associated with the token (i.e., they have x days to complete the registration). This means that if a customer undergoes the pre-registration policy verification for the domain name of her choice and later decides not to proceed to registration of that domain name, the customer cannot apply that pre-registration policy verification to a different second-level name in the same TLD or the same second-level domain in a different ARSI-operated TLD. This also means that, if the customer delays proceeding to registration for a time period that exceeds the specified duration, the customer will have to undergo pre-registration policy verification again and that particular domain name may no longer be available." Based on this, when a token is allocated and domain assigned to a particular registrant, will others have access to the domain or will it be a de facto allocation? Allocation for even a short period of time could create an opportunity for abuse since users could

make repeat attempts to register names and essentially hold names "hostage" without ever completing registration.

Leveraging of Information

Does the practice of issuing tokens to select registrants increase the opportunity for a registry to leverage its proprietary access to information regarding unregistered domain name searches and requests? Though the registry does not itself register names, if a registry is permitted to allocate domains via tokens to select registrants, it's a distinction without a difference and the potential for abuse, if unregulated, could raise those concerns previously (and recently) addressed by SSAC and others at the registrar level.

Technology Tools

There is no policy published by Amazon that needs to be verified in relation to the tools offered by Amazon.

Though the amendment seems to promote competition, which the Registrars welcome, we do observe that competition is tightly controlled by the rules of Amazon, and as such, the competition is a rather narrow concept. Will Amazon list all the accredited registrars? Currently, there are no details listed or mentioned on their marketplace. Amazon has stated:

> The Registry will perform pre-registration policy verification for customers that wish to register .MOI domain names . . . the Registry may offer the customer the opportunity to select technology tools or applications to support use of the .MOI domain name of interest (collectively, "Technology Tools"). The Registry may also offer to the customer ancillary products or services (other than the Technology Tools) to further complement the customer's use of the domain name of interest … A customer that first visits a .MOI-accredited registrar's website will be directed to the Registry's .MOI website to undergo the process noted above. After pre-registration policy verification, those customers will be transitioned back to the originating registrar's site.

The pre-registration policy verification described in the RSEP includes the offering of additional services such as an "easy-to-understand presentation of any Technology Tools available for use in connection with a .MOI domain name before proceeding with registration along with an offering of additional products and services that complement use of their desired domain name." This seems to suggest that ONLY the tools offered on Amazon's site will be able to be used with MOI names, which, therefore, could be contrary to ordinary notions of competition as it forces accredited resellers to essentially procure potential customers for the Registry Operator's non-TLD offerings.

While Amazon asserts that "the Technology Tools can be acquired from hundreds of sources other than the Registry," NONE of the other sources require the potential registrant to be presented with them as a condition of registration of the .MOI domain. Offering of these tools as a condition of participation in the verification process is unprecedented in the gTLD space

(except perhaps for community/sponsored TLDs). Referencing TLDs that do some sort of registrant verification is considerably distinct from doing it ostensibly to display other offers.

Competition

Ultimately, the use of pre-registration verification and "optional" value added services will negatively impact competition. By tying both practices in a TLD, a TLD Operator can create a "captive audience" via the pre-registration verification and then offering optional services. This will effectively bypass the existing registration and purchase process, putting TLD Operator in a privileged position. The TLD is set up to capture customers earned via the Registrars marketing efforts to promote its own tools and services. The fact that the Registrant is required to enter this information at the Registry level, rather than the information being passed from the Registrar to the Registry via EPP (as currently done by other TLDs), would tend to support that the motivation for this practice is strictly to utilize that opportunity to offer unsolicited products and services.

EPP Technical Extension

It is unclear why a technical extension is necessary and we would like Amazon to provide more info.

Access Issues

Another concern is whether an Amazon-related registrar will present a different, more seamless, experience for a potential registrant than would any other ICANN-accredited registrar or whether any Amazon-related registrar would, by nature of the services, be in a position of advantage over all others? In other words, assuming an Amazon-related registrar's site is part of the larger Amazon-family of sites, can Amazon create an experience for potential registrants in this implementation that is superior to, and incapable of being replicated by, other registrars? If so, we question whether this might "directly or indirectly show any preference or provide any special consideration . . . 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?

Precedent

This particular proposal may characterize the offered services as optional, but future proposals could make them a prerequisite for registration. In effect, converting the registration channel in to a lead generation network, in which the TLD Operator harvests registrant / customers. No other gTLD requires potential registrants to first be subjected to a sales pitch for goods and services sold by the registry's affiliated companies, especially none that also directly compete with registrars. The competition is not about the impact on ancillary services, but the competitive fairness regarding the access to and provisioning of the TLD.

Conclusion

It is rather difficult to comment on the Registration Authentication Platform due to the broad setup of the amendment and the lack of specifics on how such a platform would actually work. The Registrars would welcome more specific details regarding this platform. Based on the current proposal, we respectfully request that ICANN not allow retroactive "closing" of open/generic TLDs by way of this RSEP.

Additionally, we believe the following "fixes" may provide a way forward:

- Find a better mechanism than RSEP to address material changes to a TLD, e.g., develop new Consensus Policy via GNSO PDP.
- Move the registrant eligibility check to the Registrar, with TLD operator retaining the right to cancel ineligible registrations within a given window.
- Do not allow this process to include, require, coincide or be predicated on any commercial solicitations, regardless of whether or not the offer is accepted or declined, if checks are conducted by the TLD operator.

We thank ICANN for taking our concerns, requests and proposals into consideration.