

May 13, 2016

To ICANN:

As a domain name registrant, and editor of DomainMondo.com, I am submitting this comment to [Draft Report: New gTLD Program Safeguards to Mitigate DNS Abuse](#).

For the [new gTLDs mania](#), we are now entering the [repudiation phase](#) – a moment where “*all the lies that had been built up alongside the excess are aired out in public.*”

Your “draft report” misses the mark.

You claim your purported purpose was, and is, “*to examine the potential for increases in abusive, malicious, and criminal activity in an expanded DNS and to make recommendations to pre-emptively mitigate those activities through a number of safeguards.*”

Abusive, malicious, and criminal activity in an expanded DNS happens most frequently at the second level or registrant level, not at the first level or TLD which is controlled by the registry operator. Exceptions may be extortionate or other abusive practices, pricing, *etc.*, by registry operators, which ICANN’s own Business Constituency and IPC can, and have, well advised you concerning, and which may be remediated through contractual terms and conditions, and effective Contract Compliance, which has been lacking at ICANN.

When ICANN unwisely decided to expand the global internet DNS and add more than 1000 new gTLDs (from just 22 gTLDs and 200+ ccTLDs), you exponentially increased the potential and actual opportunities for “abusive, malicious, and criminal activity “in the global DNS without **any** safeguards for the global internet community which has suffered as a result, just so ICANN, and the domain name industry, could “[make money](#).” You [have not been a good steward of the global DNS](#).

In the absence of responsible stewardship of the global DNS by ICANN, you have left it to others, from sovereign nations like China (which essentially is now running its own DNS inside China via the ‘Great Firewall’ and legal requirements imposed upon registry operators, registrars, and registrants), to companies and individual consumers which are deploying [TLD blockers](#) on their own networks.

Contrary to what you apparently believe, **less is** often **more**, and [excessive competition](#) can be **destructive**, to markets, to companies, and to individual consumers.

Even worse, you have adopted the **extortionate business model** in-house at ICANN, by, in effect, forcing established trademark owners, to pay \$185,000 plus annual fees, plus operating expenses, for a gTLD used primarily for defensive blocking, at the top-level, their trademark in the global DNS:

“ ... closed and **predominantly defensive .Brand TLDs** account for roughly one-third of all new gTLD applications. Put another way, it would appear that **.Brand TLDs are being disproportionately relied upon for ICANN revenue**, even though they represent a tiny proportion of second-level domain names under management. For example, .Brand TLD registry operators, such as Apple Inc. or Yahoo! Inc. have **activated only a mandatory minimum number of second-level domain names**, yet they pay ICANN precisely the same fixed quarterly fees as certain open TLD registry operators, such as Vox Populi, which currently has over seven-thousand domain names under management.² It is the latter category of TLD registry operators that are more likely to be controversial and thus ultimately more costly to ICANN in terms of political, administrative, compliance and legal resources.³...” --[IPC Comment on Draft ICANN FY17 Operating Plan & Budget and Five-Year Operating Plan Update, p.2](#) (pdf)

Accordingly, the hard truth is that ICANN, itself, is today probably the chief “abuser” of the global DNS. Now that ICANN is irrevocably committed to this ever downward spiral of irresponsible management and stewardship of the global DNS, I, [like many others](#), have pretty much given up on ICANN. As a registrant, I am now in a defensive mode in response to ICANN’s failed stewardship, and have little confidence that ICANN will survive long-term once the IANA transition is complete. Most likely, the model proposed by China and others, of a government-led multistakeholder institution to replace ICANN, will eventually prevail due to demands of the global internet community for safety, stability, and security of the internet, and responsible stewardship in the global public interest, of a global public resource.

Respectfully submitted,

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References:

- [Usage Trumps Registrations: Why Past TLDs Failed and Why Many Will Follow in Their Path](#) (CircleID.com)
- [News Review \[May 8, 2016\]: ICANN, IANA, AFRICA, WSIS, XYZ, Chinese Speculators](#)
- [Blocking New gTLDs, ICANN's 'Shadiest' Top-level Domains, 'Wholesale'](#)
- [ICANN Damaged a Competitive Domain Name Market With Its New gTLDs](#)
- [Housing Bubble Like New gTLDs Mania? The Big Short Trailer \(video\)](#)
- [Tim Berners-Lee on ICANN, new gTLDs, public interest](#)
- [ICANN Insiders On New gTLDs: Mistakes, Fiascos, Horrible Implementation](#)
- [ICANN, DNS Abuse, New gTLDs: Bad Policy, Horribly Implemented](#)

- [News Review \[May 1, 2016\]: New gTLDs 'Nobody Cares About' - ICANN's Trash Problem](#)
- [ICANN, Esther Dyson, Becky Burr: The Historical Perspective](#)
- [Esther Dyson Told ICANN new gTLDs were a mistake in 2011 \(video\)](#)
- [ICANN's Boondoggle](#) (MIT Technology Review | technologyreview.com)