

COMMENTS RELATED TO:

Proposed Expression of Interest model

It is said that there are, "None so blind as those who will not see" and I sincerely hope that I am not going blind, but I posted comments in opposition to the EOI back in November and have been looking and listening ever since to learn what I might have missed. <http://forum.icann.org/lists/eoi-new-gtlds/msg00048.html>

Well, I am still looking.

In truth, whilst there may be a benefit or two to the EOI, I remain convinced that it achieves nothing that opening the application window itself wouldn't achieve and regret that it is giving the anti-TLD faction further opportunity to disrupt, and ICANN further opportunity to procrastinate. If I had a vote, it would be to drop the EOI and move swiftly to finalizing the Applicant Guidebook and opening the application window.

OK, so now I have got that off my chest I would like to return to my pragmatic and positive norm.

I believe most of the terms of the EOI as currently laid out by the ICANN staff are reasonable, appropriate and workable and I commend them for their work. I am inclined to agree with many of my clients, however, that the need to release the ownership details of the EOI applicants to the outside world is a mistake. What does it achieve? I understand that ICANN has a desire, indeed obligation, to ensure new TLDs end up in safe hands but this is the EOI stage, not the application and delegation stage. Their fears are that their competitors will get wind of new business initiatives and I can't see why that is fair or necessary. All of the objectives of the EOI can be achieved without public display of string ownership. (Please note, I am not suggesting there should not be a public point of contact for EOI applicants).

Needless to say, before anyone can be expected to commit substantial funds in the EOI stage, (and it should be substantial in my view), the rules really need to be largely determined, (exception issues, such as vertical separation and 2-character TLDs, can be resolved after the EOI window closes - and if necessary, in some cases, a refund provided), and the communications programme complete. Otherwise ICANN is simply inviting bad press and inevitable litigation. Consequently, I urge ICANN to get the ball rolling on the communications period, which can easily run simultaneously with the finalizing of outstanding rules.

Additionally, in order to achieve any of the goals intended with this Expression of Interest proposal, it must be mandatory - otherwise there will not be comprehensive data to analyze. Obviously, knowing exactly how many applications there are going to be and for how many different strings, is the main reason for an EOI stage.

In closing, I implore the ICANN Board to ensure the finalization of the Guidebook, begin the Communications Period and open the EOI window or better still, the application window proper, as a matter of urgency and before all credibility is lost. After all, the Board voted to implement and announced new TLDs at the Paris meeting in June 2008 and excited the World but we remain road blocked by parties who continue to manufacture reasons for protracted discussion and paralyzing analysis. As you have repeatedly heard, parties have long-since geared up for the introduction of new TLDs and stimulated investors and communities, because we all believed what you told us - 'increase stability and competition will result'. We have heard that, "All good things come to he who waits," but I think we have now waited more than long enough.

Many thanks for the opportunity to comment.

Daniel Schindler – January 2010