Business Constituency Position Paper

This document constitutes a Business Constituency (BC) position paper. It has been drafted pursuant to an initial call for BC member comments in response to the interim report of the New TLD Evaluation Process Planning Task Force (NTEPPTF) made on the 12/28/2001. Further input resulted from a subsequent public comment period within the BC between 02/20/2002 and 03/05/2002 extended to 03/12/2002.

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Introduction

In November 2000, the ICANN board approved the introduction of seven new gTLDs: .biz, .info, .name; .pro; .aero; .coop; .museum. As part of this introduction, the Board announced that there would be an evaluation process and charged the President of the Board, Stuart Lynn, with developing a task force to develop a set of evaluation criteria. The Business Constituency has, in previous position papers stated their views on the introduction of new gTLDs and has published a set of agreed-to principles that should be met by new generic top-level domain names, namely certainty, honesty, differentiation, competition, diversity, meaning and simplicity. The positions are provided in the annex, and are available on the BC web site at www.bizconst.org.

The TF is charged with developing an approach to assess the success (and failure) of new gTLDs and evaluate the methods and systems used to select, and implement them. ICANN has set up a Task Force, which includes in its ranks BC members Marilyn S. Cade and Sébastien Bachollet, to pinpoint the ways in which the evaluation of new gTLDs might be carried out The Task Force is not undertaking the evaluation itself, but developing questions to be addressed in the evaluation of new gTLDs by an as-yet unspecified group or source who will undertake the evaluation. The end-result will provide an effective analysis of experience that has been gained in the past and will enable a more finely tuned approach to the selection of any further new gTLDs. The Task Force recently published its interim report. This document provides a recommendation for a BC position based on responses expressed by some members of the Business Constituency who submitted comments in the open comment period and further member feedback during a comment period within the BC between 02/20/2002 and 03/05/2002 extended to 03/12/2002.

Summary

- The BC believes that **most aspects addressed in the report have been well handled**, and should be maintained in the run-up to the final version of the report.
- The BC suggests two tracks for evaluation of the gTLDs, as described below.
- The BC believes the Task Force could also take a stance in areas such as **root servers & the proliferation of non-ICANN processes**
- The BC identifies notes cause for concern as regards the **economic cost** to the user in disparate introductory systems, without an identifiable value to the registrants.
- The BC desires to see the final report more explicitly state that the evaluation **should focus on possible solutions**.
- The BC makes specific reference to the **'Other Issues of Concern' section, which needs further clarification and details**
- The BC strongly suggests that, at this time, any further consideration of gTLDs should be focused on restricted/sponsored gTLDs with full UDRP/WHOIS

compliance. It may be possible to proceed with sponsored gTLDs on a shorter time frame, once the evaluation period is concluded, however.

- As part of the evaluation process, consideration must also be given to developing a more systematic and logical approach to the selection of any further gTLDs which should be focused on restricted/sponsored gTLDs with full UDRP/WHOIS compliance.
- Finally, the BC notes that the TF must incorporate into its work, consideration for the role of internationalised names and the impact of further gTLD introductions on IDN.

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BC feels that most aspects have been well handled, and should be maintained in the run-up to the final version of the report. The BC believes that the final report should however consider the following:
- that a particular focus of the review should be on those aspects of new TLD operations likely to impact the Board's future decision-making;
- that the main focus of the review should be on those questions answerable with reasonable certitude using readily available data;
- that many aspects of the test-bed review and a second round of selections can proceed along parallel tracks for the two different kinds of TLDs: sponsored and unsponsored.

The BC expresse s concern about timetables. The report is cautious about timetable aspects. The BC has supported a go-slow approach in the introduction of new gTLDs, with an associated evaluation period, and continues to support this approach. However, given other factors noted below, the BC suggests that the Task Force should state that as short a timetable as feasible is essential. For example, at this time, we believe that the evaluation of sponsored/restricted (.museum, .aero, .coop) gTLDs should be easier and quicker than unsponsored/unrestricted (.info, .biz, .name) gTLDs, given the substantially smaller scale of the former compared with the latter. A parallel track process could be undertaken, using one track for evaluation for sponsored/restricted, so as to consider development of processes for proposals (RFP) for more sponsored/restricted gTLDs during 2002. A different track for unsponsored gTLDs, in the BC's view, requires an extensive and thorough assessment on several elements; assessment of both options cannot be limited to technical impact alone. Note, since the sponsored gTLDs are just becoming operational, it will still be necessary to allow an effective evaluation period.

The BC believes the Task Force could also take a stance in areas such as root servers & the proliferation of non-ICANN processes. When names, which were proposed through the ICANN process, are taken by others and put into use outside of that system via "work arounds" or a modified form of alternate roots, this has the effect of creating both confusion for users about which names are always resolvable, and, in the future, could lead to conflicts of names between alternative roots, and the ICANN authoritative root. When this results in collisions, or non-resolvability of names, this begins to erode the confidence of the users of the reliability of the Internet. As stated in earlier positions, the BC supports the requirement of uniqueness in names. This ensures the consumer/user ALWAYS knows that they will get the same response/destination,

regardless of the device or network they use. Therefore, introduction of names outside of the ICANN process which create confusion for users or which results in conflicts with the ICANN names, or results in non-resolvability is of concern to users.

The BC notes that several members expressed concern as regards the economic cost to the user during the start up phases for .biz and .info, related to the learning process on how to register throughout the initial start-up phases of new domains. These costs are not limited to inside counsel and paralegal expenses, brand manager time, but also includes the hourly fees for the outside intellectual property law firms as they also learn new and diverse processes for start up registrations in .biz and .info. This is not addressed by the report in its current form. As business users, the BC's members who provided comments failed to find any particular value in the different natures of the start up processes and suggest that they add cost and create confusion. To overcome some of these difficulties, the Task Force should suggest that a survey be undertaken with the owners of high numbers of domains regarding their views; the final report could incorporate the results of this selective survey approach, and hopefully obtain some feedback from the user community without the time delay and other problems of a mass survey.

The BC desires to see the final report more explicitly state that the evaluation should focus on possible solutions in addition to identifying problems and concerns arising from the implementation of new TLDs. A problem arising in the test-bed is only a deterrent to the launch of additional TLDs if it is unsolvable or cannot be minimised. Some of the questions about the introduction of new gTLDs should include whether they have expanded the name space by creating "new" names, or merely led to "cloning of .com and .net". Assessing the lack of overlap or duplication of the space may be challenging, but should be undertaken in some manner, since the rationale to introduce new names is predicated on the creation of more name space. As a consequence, without focusing on possible solutions, it will not be possible to accurately gauge the impact of identified problems on future TLD launches. Data gathering would have to precede a discussion about possible solutions, but the problem-solving stage is an important aspect of the process. Evaluation is of necessity limited to the start up and initial period but the process could result in a request for periodic feedback.

The BC makes specific reference to the 'Other Issues of Concern' section, which can benefit from more specificity in some areas, for instance, the discussion of possible lower limits on the number of new TLDs and technical preference for small, hierarchical TLDs are the kinds of assertions that should be accompanied by a technical reference.

Could the second and third bullet points be collapsed into a single statement? "The effect on DNS performance of adding new TLDs is still unknown. The PSO should be asked for its views on whether (a) expansion of the number of TLDs by tens, hundreds, thousands, or tens of thousands would have a significant negative impact on the performance of the DNS; and (b) if so, whether that impact would be minimised by the addition of relatively small TLDs instead of large, flat TLDs (such as .com)." Indeed, based on the technical discussions within the TF, large, flat TLDs must be treated with caution given their enormous impact on the current root system. However, the BC notes that the basis for criteria for introduction of new gTLDs cannot be limited to technical aspects. Consumer confusion and other issues of concern to the BC are noted in the

principles and earlier positions on the introduction of new gTLDs and the BC strongly urges that these issues be carefully examined as well as the issue of "new" space.

Finally, based on the BC members' input, and considering the current DNS architecture, the BC strongly suggests that, at this time, the consideration of any further introduction of gTLDs should be focused on restricted/sponsored gTLDs with full UDRP/WHOIS compliance. The BC notes that the sponsored gTLDs are yet to be fully implemented and an effective and thorough evaluation is still needed of their start up experiences, and their impact overall. Unsponsored, unrestricted gTLDs require even longer and more extensive evaluation over a period of time. It may be possible to approach examining sponsored gTLDs on a shorter time frame, once the evaluation period is concluded, however, the BC is presently unconvinced that a random process will result in effective and useable expansion of the name space in a manner which benefits users. Therefore, as a part of the evaluation process, consideration must also be given to developing a more systematic and logical approach to the selection of any further gTLDs.

Internationalised domain names are of critical interest, and in some case, concern to business users, around the globe. The BC notes that the TF must incorporate into its work, consideration for the role of internationalised names and the impact of further gTLD introductions on IDN.

Annex – Reminder of the principles that new gTLDs should respect:
1. Certainty: a gTLD should give the net user confidence that it stands for what it purports to stand for.
2. Honesty – a gTLD should avoid increasing opportunities for malicious or criminal elements who wish to defraud net users.
3. Differentiation – the selection of a gTLD string should not confuse net users and so gTLDs should be clearly differentiated by the string and/or by the marketing or functionality associated with the string.
4. Competition – new gTLDs should foster competition in the supply of domain names such that the authorisation process for new gTLDs should not be used as a means of protecting existing service providers from competition.
5. Diversity - new gTLDs should become available to meet the needs of an expanding Internet community. They should serve both commercial and non-commercial goals.
6. Meaning – a gTLD should have meaning and its selection should include how the new gTLD will be perceived by the relevant population of net users.
7. Simplicity - adherence of the above principles should not impose an overly bureaucratic procedure on a registry.