

21 September 2016

Hi James:

We've shared Steve Crocker's related letter within our constituency. Following a discussion I'd like to communicate our preliminary thoughts:

#### General observation

The recent round of gTLDs resulted in a new "gaming" move for domainers. They discontinued the practice of avidly buying all attractive names that became available for resale purposes, and invested instead in registry concessions, now a new secondary market is developing with gTLDs themselves (not the names).

The dominant registrars have cherry picked which new gTLDs to include in their storefronts, thus becoming arbiters of the fate of newly launched gTLDs, since exclusion from their registration sites is a tough disadvantage to overcome. IOW registrars are designated the EXCLUSIVE sales channels for all new gTLDs, but they are under no obligation to carry any of them in their domain name portfolios.

A subsequent round might, given these developments, simply augment these distortions, so "proceed with caution" would appear advisable.

#### Further comments

1. Both the letter from the Board and the letter from the GNSO Council seem to start with the assumption that there will necessarily be a subsequent round of the new gTLD program. The ISPCP constituency hopes that a full discussion about whether or not to have a further round is had by the community long before work is done on building a new application process. It seems essential that the marketplace and technical reviews are complete and considered by the community. These need to be part of the foundation of any discussion of whether or not to proceed with subsequent rounds of new gTLD applications.

2. In the event that a new gTLD application window is opened, no particular type of gTLD should be allowed to determine the timing of the window. In particular, all strings should have equal status as far as the timing of a subsequent window. For example, a set of strings for a particular use or function, should not be allowed to proceed early.

3. In the event that a new gTLD application window is opened, the policy work in support of the new round should be complete prior to the application process being developed. The ISPCP constituency finds the idea of iterative development of application process to be impossible in the context of such a complex procedure. An iterative approach fails to take into account the interconnectedness of the application process – the development of a policy on geographic names, for example, might have implications on what strings are available and even the prohibition of certain names. The possibility of policy development in one area having a knock-on effect in another area is something we witnessed in the 2012 round. It would likely be a

feature of subsequent rounds and makes the iterative development of an application process unlikely to succeed.

4. The Board question about timing raises questions beyond policy and the development of an application process. The ISPCP constituency is extremely concerned that not enough attention has been paid to technical aspects of the deployment of new strings in the root zone. In particular, universal acceptance and technical outreach are areas where the ICANN community needs a new, comprehensive plan. That effort, to ensure that the technical aspects of new gTLDs is addressed, will need to be done before a new application process can commence – thus affecting the schedule of that process.

5. Another technical aspect that must be addressed prior to a new round beginning is the relationship between the Internet's underlying architecture and the new gTLD program. Specifically, ICANN must improve its relationship with the IETF to identify meaningful ways to cooperate in the reservation of certain strings in the root. This relationship must also provide some reliable, predictable, scalable and usable mechanism for reserving strings for special use or because those strings, if allowed in the root, would affect the security and stability of the DNS and tools built upon the DNS.

Procedurally, the ISPCP reserves the right to send our comment directly to the board.

We're looking forward to further discussion within the community.

Best regards,  
Wolf-Ulrich