Valideus Comments on NCAP Study 1 Draft Report

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Valideus provides new gTLD consultancy and registry management services to prospective and existing new gTLD registry operators and is part of the Com Laude Group. Com Laude provides domain name portfolio management services and online brand protection for brand owners.

We welcome the opportunity to comment on the proposed final report *Managing the Risks of Top-Level Domain Name Collisions - Findings for the Name Collision Analysis Project (NCAP) Study 1* (Study 1). Valideus commends the independent expert for producing Study 1.

**Proposed Studies 2 and 3**

Valideus supports the conclusion of the independent expert that Studies 2 and 3 should not be performed as currently designed as they are not designed to elicit useful recommendations. Rather, if any further work is done, it must be geared exclusively towards answering the questions posed by the ICANN Board in its resolutions [2017.11.02.29 – 2017.11.02.31](https://www.icann.org/resources/board-material/resolutions-2017-11-02-en#2.a). To the extent that this requires the expenditure of additional funds, these studies should be included in the normal prioritisation processes. In this economy, choices need to be made on where to spend ICANN funds and the community should weigh-in as to whether this is a priority.

**Controlled Interruption**

Valideus recommends that name collision studies (in any form) must not be a pre-requisite for the next round. Study 1 notes that, as time passes, the decreased reports of name collisions indicates the effectiveness of controlled interruption in mitigating harms of name collisions. Further, Study 1 affirmed that there is no evidence of material harms having arisen from the delegation of nearly 1,200 new TLDs since 2012, in addition to numerous fast-track IDNs.

Valideus appreciates that there are some in the community who believe that other mitigation mechanisms could be employed which might yield additional data. We are not opposed to further work being done on name collisions and risk mitigation mechanisms, however, we wish to emphasise that Study 1 supports the continued and ongoing use of controlled interruption, unless and until other mechanisms are approved by the ICANN Board.

**Risks of delaying the next round**

The delay in launching the next round has already caused a number of entities to work around the ICANN processes to launch their own alternate root TLDs. These alternate root TLDs do not have any of the registrant and consumer protections that are required for TLDs in the authoritative root, such as the safeguards built into the new gTLD program against registry failure, requirement for open zone file access, which is used by security threat analysts and researchers, and protections against DNS abuse, cybersquatting and IP infringement. Not only is this bad for ICANN and end users, but such alternate root TLDs have the potential to cause new collisions if those strings are delegated in the authoritative root. Ironically, a delay to the next round because of name collision work, could create more name collisions in the future.

**In summary**

Valideus strongly recommends that the following are necessary:

1. ICANN must move expeditiously to launch the next round. If and to the extent that any additional name collision work is deemed appropriate, this must occur in parallel with the launch of the next round; and
2. ICANN must affirmatively state that any potential collisions with alternate root TLDs will not be taken into consideration in whether such strings can be delegated in the authoritative root to any other party. To do otherwise would be to reward those who have chosen to work around the ICANN processes, and would obliterate all of the end user protections that are required of those registry operators who do play by the rules, creating a less-safe environment for end users and consumers.

Thank you for your consideration.

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