

PUBLIC COMMENT OF THE NON-COMMERCIAL STAKEHOLDERS GROUP (NCSG) ON THE PROPOSED RENEWAL OF THE .NET REGISTRY AGREEMENT

The Non-Commercial Stakeholders Group welcomes this opportunity to comment on the Proposed Renewal of the .NET Registry Agreement.

The NCSG has been deeply concerned about the inclusion of the Uniform Rapid Suspension (URS) and Trademark Post-Delegation Dispute Resolution Procedure (PDDRP) rights protection mechanism (RPMs) in renewal agreements (RAs) for legacy gTLDs. The contractual requirements for legacy gTLDs to adopt these RPMs designed for the new gTLD program represent an attempt to create de facto consensus policies by contractual fiat rather than through the Policy Development Process (PDP) required by ICANN's Bylaws. This is something the NCSG has strongly opposed in our comments on other recent legacy gTLD renewal agreements.

We note that the .NET renewal agreement does not contain an attempt to expand the URS or PDDRP to legacy gTLDs under the guise of bilateral contractual negotiations. Indeed, §3.1(b)(iv)(C) of the Proposed Renewal properly places intellectual property protection squarely within the remit of ICANN's Consensus Policies. We commend both ICANN and Verisign for this aspect of the Agreement and hope this model, one that respects the bottom-up multi-stakeholder policy development process, will be used by ICANN in future RA negotiations.

We also note ICANN's commitment in §7.2 of the Registry Agreement to use a portion of the proceeds of the Registry-Level Transaction Fees to create "a special restricted fund for developing country Internet communities to enable further participation in the ICANN mission by developing country stakeholders". The NCSG is supportive of efforts to diversify the ICANN community and applauds this commitment by both Verisign and ICANN. We do note, however, that these funds will not be segregated. In the interest of transparency we would ask the Board to direct staff to annually produce a report detailing how these funds are being used and the amount of money assigned to the restricted funds.

The Non-Commercial Stakeholder Group supports the Proposed Renewal of the .NET Agreement and would encourage the Board to adopt the Agreement.