

Section 1.3 – A few quick comments:

1.3.1 **Competition ...** As I have pointed out before, it is most difficult to have a serious discussion without the CCT-RT Report. Meanwhile, there are strong indications that the 2012 Round contributed to concentration in the DNS markets:

- Registry Service Providers: only a few major providers. Some of which are themselves Registries or Registrars, leading to risks of conflict of interest.
- Certain Registrars accumulating very large portfolios of Registries; an anomaly arising from the flawed implementation of vertical integration.

1.3.2 **Global Public Interest:** (a) We need more clarity as to the UDHR limitations to freedom of speech as against claims elsewhere that there are freedom of speech rights for 'applicants'.

The most important freedoms of speech - at least in the context of Geographical Names – is the freedom of speech of Registrants. I do not understand the scope and objectives of the eventual freedom of speech of Registries.

(b) First bullet: The original purpose of vertical integration was to permit new Registries to register names directly, at least before reaching a certain threshold. Today, new Registries could reasonably anticipate anti-competitive behaviour by accredited Registrars who are their natural competitors.

(c) Mandatory PICs: Those imposed by ICANN on the basis of community and GAC advice to the Board.

Voluntary PICs: Those proposed by the applicant who shall then be obliged contractually to respect them permanently (subject perhaps to a contractual revision procedure).

ICANN supervision of contractual compliance, including transparency, becomes important in this context.

Sensitive Strings associated with GAC Category 1 Safeguard Advice: Just to note that the third bullet is internally inconsistent.

If the PICs have effectively prevented abusive behavior, it follows that there will not be data to demonstrate that effect. So the mandatory PIC will have done its job!

1.3.3 **Applicant Freedom of Expression:** (b) There needs to be a balance between the freedom of Expression of the Registrants and that of the Registry. (a) the jurisdiction of the incorporation of the Registry should be transparent for purposes of tax and other requirements (b) At least for Geo-Names, the jurisdiction of incorporation of the Registry must be the same as the territory or community relating to that Geo-Name.
There cannot be a distinction between the jurisdiction of the territory and the jurisdiction of the Registry.

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