

Internet Corporation for Assigned Names and Numbers
ATTENTION: ICANN Board
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June 1, 2021

Public Comment: GNSO New gTLD Subsequent Procedures

Dear ICANN Board Members,

Authentic Web Inc. submits these comments to the GNSO New gTLD Subsequent Procedures Final Outputs. Comments are offered for the ICANN Board to help inform and consider as another community voice. We are requesting the Board approve and instruct ICANN Org to move forward with actions necessary to open a subsequent application window without delay and where necessary initiate activities such as Operational Design Phase in parallel to other activities to shorten timelines.

Comments are centered on the perspective of brands seeking to apply for Specification 13 Top Level Domains. As DNS abuse and general security exploits are an increasing challenge, we wanted to call out the benefits of Spec13 TLDs and how continuing the program as intended over one decade ago is a necessary next step for the Board and ICANN Org.

Background, Digital Trust and Security

Authentic Web understands the challenges facing enterprise IT to secure their DNS networks on hundreds or thousands of second level domains. These domains have been acquired over the years for the purposes of branding, digital engagement campaigns, programs with most domains in a portfolio held as defensive registrations to thwart nefarious actors from infringing on brand marks and campaigns. Authentic Web is a corporate domain registrar offering an integrated DNS and TLS Certificate control system technology serving enterprise teams to empower IT by making it EASY to visualize, control and secure their DNS networks. One of the major value contributors of owning a Brand TLD is the ability of the registry operator to apply and control consistent security policies across a brand's entire digital footprint.

The DNS is inherently insecure in its design. Over the years, various RFCs have been completed to address security issues including RFCs covering HSTS, DNSSEC, SPF, DMARC, among others. As a company offering tools for teams to improve DNS security that help enterprises ensure their internet user experiences are safe, we recognize the technical, trust and DNS security policy provisioning and compliance benefits for enterprises who own and operate a Spec13 TLD.

It is in the interest of ICANN and its stakeholder communities to ensure best efforts are made to keep the internet safe and secure for internet users. Brand TLDs are trusted, authentic and controlled name spaces. They offer attributes that can improve internet security for users. A simple example is the ability to set universal DNS security policies that can be implemented economically with full control, ownership, trust, and automation. While it may be possible to implement some of these policies in 100s of other TLDs, it is not easy due to inconsistent registry policies and systems that may or may not support efficient provisioning and enforcement of defined policies. With a Brand TLD, it is feasible to apply strict security policies and replicate them across all second or third level domains under management.

In addition to the technical feasibility advantages to apply universal security policies, internet users will grow to understand that a Spec13 TLD can be trusted to be brand authentic. In other TLDs, it is extremely difficult for internet users to know if they are interacting with the authentic brand in one of 100s of TLDs. Users are duped and compromised daily due to brand impersonation scams. Specification 13 TLDs offer a solution and must be permitted to move forward without further delays.

Below are supporting comments designed to help inform and support the Board's action to move quickly now that the Subsequent Procedures work is complete and unanimously approved by the GNSO.

Subsequent Procedures Policy Work is Complete. Next Steps are Required.

Over the past several years, many thousands of volunteer hours, collaboration and compromise have been successfully concluded with a consensus output achieved. We congratulate the tireless work effort of these active community volunteers who made this possible. During the long duration, the working group provided ample time and allotment for all voices and ideas to be heard and considered. The report is now complete. The report was unanimously approved by the GNSO. The time for additional reviews or policy adjustment input is over. It is time to move forward, consistent with the design of the policy development process. The multi-stakeholder model must now respect the consensus reached by these volunteers in good faith and be acted upon accordingly by the Board. Our view on issues that remain unaddressed in the Sub Pro work is to default to standing policies developed for and during the 2012 round.

DNS Abuse and Security: Brand TLDs offer a path forward

DNS abuse and security has always been, is today and will continue to be a significant challenge for ICANN, stakeholder communities, enterprises, governments, and internet users at large. These general security challenges must not be conflated to be a result of new Top-level Domains or as a reason to delay continued advancement of the gTLD expansion program. Over the past several years, it is a fact that the number and severity of exploits have grown significantly. Malicious activity is on the rise in every aspect of digital. This broad challenge is not attributable as a cause and effect related to the new Top Level Domain program. That said, we applaud the recent initiative by PIR to launch the DNS Abuse Institute as a positive development that may make recommendations to support ICANN in contractual commitments going forward and even for already introduced or legacy TLDs. DNS Abuse in and of itself, however, is not in our opinion a reason to further delay the planning and subsequent rounds. It is rather an ongoing need that will persist well into the future.

One of the most impactful actions to improve internet security and consumer trust is to act quickly to launch the next round. Brand TLDs are trusted, authentic, fully controlled spaces that offer internet users assurance that interactions are brand authentic and safe. Brand TLD spaces are today and will be the safest most trusted spaces on the internet. They will flourish if regulatory roadblocks are lifted and will improve internet security to the benefit of all internet users.

Timeline: One full Decade

It will soon be a full decade since the 2012 round was launched. The 2012 Guidebook stated that the next round would be offered shortly after the close of the 2012 round. For those in the industry, it is understood that the subsequent procedures work needed to be completed but to the outside world, it appears that ICANN is failing in its mandate to complete this program and open the internet name space. Without a full opening, market forces cannot act, and vested interests will continue to seek delay for fear of competition. After a full decade, further delays may materially compromise the confidence, trust, and integrity in ICANN itself. That would be a disaster.

Lack of Visible Demand Does Not Indicate Lack of Demand

There appears to be a concern on demand that questions the need or urgency for subsequent rounds. This is not accurate and shows a lack of understanding of market forces. Our company and I personally have had dozens of conversations and commitments from senior brand executives on their intent to apply for one or more Brand TLDs, pending next round Guidebook details and timing. I am also aware of entities who intend to apply for generic strings, again pending Guidebook details and timing.

Lack of visible demand must be understood in context of the application process and risks. No entity, be it a brand or a party planning to apply for one or more generic TLDs is advised to state publicly their intent to apply for a TLD. A public statement of intent could have negative consequences including:

1. Making competitors aware of an internal brand or digital strategy,
2. Causing trademark owners of different classes and jurisdictions to be aware of an intended application and increase the probability of contention, and
3. Encourage an applicant who could claim a generic use to create contention in the hope of a possible windfall payout from a Specification 13 applicant.

At Authentic Web, we advise all clients and interested parties who plan to apply to keep this intent strictly confidential.

Lack of Usage and Innovation in The Brand TLD Space

There are statements circulating on the lack of innovation and use of Brand TLDs and therefore no need to add more. This is a false conclusion. Usage of Spec13 TLDs has been growing steadily since delegations started in 2014 and is expected to continue and accelerate. There will likely be an inflection point towards full adoption and use. That inflection point is likely to occur once the market knows with certainty that the expansion is continuing. The past trajectories are not an indicator of the future, since there are both ICANN imposed and enterprise constraints that have conspired to limit further usage.

Three points:

1. ICANN Delays: Without predictable subsequent rounds, enterprises who own Spec13 TLDs have had no competitive pressure to undertake transitions to their Brand TLDs. Several global brands have undertaken full transitions successfully and hundreds more are using their trusted assets in various use cases.
2. Full transition from legacy domains to a Brand TLD can be complex undertaking particularly for entities with hardcoded network infrastructure. This creates hurdles in execution and without competitive pressure many of the first-round applicants remain in watch and see if the internet name space expansion is truly going to happen.
3. In the 2012 round, almost all brands applied for their TLD on the business imperative to defensively protect their marks. Applications were driven by Intellectual Property teams and not by digital innovation, network security and related business cases. It is now more understood that a Brand TLD is an anchor of digital trust to provide a safe, secure, and a brand authentic space to communicate with audiences, deliver services both directly and through channels. The next round of Spec13 applicants will not be driven solely by the Intellectual Property mandate but also supported and driven by business cases for innovation and digital security.

New Top Level Domain Program Leadership: An Approach

In our view, the new Top Level Domain program requires the hiring of a leader from outside the ICANN organization. There would be merit in having an independent expert leader with the singular mission, mandate, and incentives to drive the program forward. This action would aid the purpose and alleviate ICANN Org of future criticisms of any perceived internal stakeholder biases towards incumbent vested interests.

ICANN Must Move Forward or Risk Loss of Control

To paraphrase Bill Gates, innovation can happen slowly at first and then suddenly everything is different. Blockchain is an example. Since the 2012 round, blockchain technology has emerged and holds great potential to become an anchor of trust technology in many areas of digital commerce, from coins, to contracts, to Top Level Domains. Already we are seeing new ventures emerge such as Handshake and Namebase where today Top-level Domains are being bought and sold. Regardless, if these ventures inevitably succeed, others will emerge and could conceivably challenge or supplant ICANN as the worlds TLD administrator if ICANN cannot offer a timely path forward. While clearly there are many challenges facing these substitutes, underestimating the potential risk to ICANN and its governance structures is a mistake. Innovation emerges to solve market problems and blockers. If regulatory delay is a blocker, innovators will find a way to succeed by addressing the blocker.

In our view, ICANN is at a crossroads and must announce to the world the regulatory blocker is resolved and the new gTLD expansion program will continue. Alternatively, ICANN may see its relevancy wane as new technologies assert dominance over time with the advantage of market agility. We urge the ICANN Board to move with urgency with the next round to demonstrate to the world that the trusted governance of ICANN, its multistakeholder model and contractual compliance controls are of tremendous value and to be preserved. Failure to act invites alternatives and risks the foundation of ICANN as the authoritative internet name space governing entity.

In summary we support the following actions of the Board

1. Respect the multistakeholder work effort and adopt the consensus policy recommendations unanimously approved by the GNSO to permit the subsequent rounds without delay.
2. Direct ICANN Org to move ahead and to set an initial application window target date as soon as possible.
3. Direct ICANN Org to fast-track preparation and to work in parallel to advance the timelines where possible.
4. Direct ICANN Org to leverage the work effort from the 2012 round to shorten preparation timelines and reduce costs to receive applications, manage applications through to delegation.
5. Direct ICANN Org to hire an external third-party expert leader with a mandate to drive planning and execution actions for the opening of the next application window.
6. Recognize and call out vested interest interference that seeks delay and limit competition in TLD marketplaces.

Finally, thank you to the hard work of all the Subsequent Procedures working group for your tremendous efforts and compromises to arrive at a consensus output that will now allow the Board and ICANN Org to move forward with subsequent rounds.

Regards,



Peter LaMantia, CEO
AuthenticWeb.com