

Com Laude Group (Com Laude) provides corporate domain name services, including domain name portfolio management, online brand protection and consultancy and advisory services to brand owners, communities and businesses. Com Laude appreciates the opportunity to comment on the GNSO New gTLD Subsequent Procedures Final Outputs for ICANN Board Consideration (SubPro Outputs). Com Laude thanks the co-chairs, leadership team, Board liaisons, ICANN staff and community members who participated in, or provided Input to, SubPro for their hard work.

Com Laude encourages the ICANN Board to move forward without delay with implementing the SubPro Outputs as soon as possible.

We understand that, given the number of topics covered in the SubPro Outputs, part of the implementation process is likely to involve an Operational Design Phase (ODP). Whilst this certainly seems a good opportunity to test this new procedure, we would urge the Board to ensure that this ODP is suitably light-touch and narrowly-focussed, and that it commences as soon as possible. The Working Group submitted its Final Report in January, and it was approved by the GNSO Council in February. Four months later, the ODP has not yet been initiated, giving support to the concerns previously raised that the insertion of the ODP into the PDP approval process will inevitably cause delay.

Regarding the ODP, ICANN itself is the best-placed to know what systems, processes and providers will be required for future rounds, and what costs and other resources these will likely require, having already put most of these in place previously in order to successfully deliver the 2012 Round. Further, ICANN staff have already extensively reviewed and reflected on the learnings from the 2012 Round during their Program Implementation Review of 2016¹. Any ODP therefore does not need to duplicate work which has already been done by staff during that Program Implementation Review, nor by the SubPro Working Group, which considered the resulting Report as an input during its deliberations.

Com Laude also urges the Board to provide certainty to future applicants on the anticipated timing of the next application window as soon as possible. New gTLDs are an opportunity for users to come online in their native language and script. They are also an opportunity for brand owners and others to develop secure and trusted spaces for their consumers.

DotBrand operators from the 2012 Round are increasingly finding new and innovative ways in which to use their TLDs. For some examples we refer you to resources such as the DotBrand Observatory². A number of brands are expressing an interest in applying in a future round now that SubPro has delivered its final outputs. For example, our representative director in Japan recently wrote to the Board (attached) highlighting demand in the Japanese market for dot brands, in response to a request from the Board during the Public Forum at ICANN70. Further, the recent auctions³ conducted by Uniregistry highlight that there are parties interested in entering the registry space. For that interest to be maintained, and to enable proper planning and budgeting by future applicants, including by those potential applicants from the less-represented regions where the lead times are likely to be longer, the Board needs to deliver a clear statement of intent at the earliest opportunity.

¹ <https://www.icann.org/en/system/files/files/program-review-29jan16-en.pdf>

² <https://observatory.domains/>

³ <https://auction.link/press-release/>

There have been concerns raised in some quarters about DNS abuse, but this is not a problem exclusive to nor caused by new gTLDs. As use of the Internet for genuine purposes increases, unfortunately so does it also increase for criminal activity, with the volume of abuse within some legacy TLDs and ccTLDs being orders of magnitude higher than in any new gTLDs. It is also not an issue which affects all TLDs equally, as demonstrated by the DAAR data⁴. Due to their business models, DNS abuse is highly unlikely to arise at all within dotBrands, or within highly restricted TLDs where there are eligibility restrictions and validation processes for registrants. As the SubPro Working Group rightly concluded, any activity targeting DNS abuse should be decoupled from the discussion on future rounds.

Com Laude believes the New gTLD Program to be in furtherance of ICANN's mission and supports the Board re-opening application periods as part of the New gTLD Program.

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⁴ <https://www.icann.org/en/system/files/files/daar-monthly-report-31mar21-en.pdf> at page 6