

## Registrar Commentary on GNSO New gTLD Terms of Reference

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...at a Registrar Constituency sponsored teleconference on January 18, 2005. The teleconference was facilitated by Ross Rader.

This document only reflects the comments of the participants and is not an official position of the GNSO Registrar Constituency.

Terms of Reference	Registrar Input
1. Should new generic top level domain names be introduced?  a. Given the information provided here and any other relevant information available to the GNSO, the GNSO should assess whether there is sufficient support within the Internet community to enable the introduction of new top level domains. If this is the case the following additional terms of reference are applicable.	<ul style="list-style-type: none"><li>• new gTLDs should be introduced. If we don't implement a standing process, alternate root scenarios could spin out of control. For instance, browser makers, portals, et al could start deciding that independent progress is preferable to no progress and start doing their own things. We should learn some of the lessons presented by our experience with IDNs in this regard.</li></ul>
	<ul style="list-style-type: none"><li>• DNS requires change. All movement within the system helps the system retain its elasticity. It must be exercised, otherwise it gets stagnant. We experienced this with the four-letter domains. Lack of change lead to incorrect assumptions being institutionalized.</li></ul>
	<ul style="list-style-type: none"><li>• there are many communities that still desire/require new TLDs, but so far, only the bold have been rewarded. A more predictable process will help the more timid gain similar rewards.</li></ul>
	<ul style="list-style-type: none"><li>• the onus should be the reverse. We should be looking for reasons not to proceed. Some of the downside associated with not proceed might be potentially disastrous, similar</li></ul>

	<p>to the IDN situation.</p> <ul style="list-style-type: none"> <li>• we should seek to think through the entire agenda and demonstrate that there is support from the community for moving forward. We don't want to proceed simply to satisfy small special interest groups. We should give serious thoughts to whom is being served and what the benefits are.</li> </ul>
	<ul style="list-style-type: none"> <li>• need to allow new entrants into the marketplace to ensure competitive environment.</li> </ul>
	<ul style="list-style-type: none"> <li>• not allowing new entrants will limit scope of innovation.</li> </ul>
<p>2. Selection Criteria for New Top Level Domains</p> <p>a. Taking into account the existing selection criteria from previous top level domain application processes and relevant criteria in registry services re-allocations, develop modified or new criteria which specifically address ICANN's goals of expanding the use and usability of the Internet. In particular, examine ways in which the allocation of new top level domains can meet demands for broader use of the Internet in developing countries.</p> <p>b. Examine whether preferential selection criteria (e.g. sponsored) could be developed which would encourage new and innovative ways of addressing the needs of Internet users.</p> <p>c. Examine whether additional criteria need to be developed which address ICANN's goals of ensuring the security and stability of the Internet.</p>	<ul style="list-style-type: none"> <li>• Criteria should be made separate – technical and non-technical. Current technical criteria are mostly correct.</li> </ul>
	<ul style="list-style-type: none"> <li>• The number of new TLDs introduced should be limited. The number introduced, over time, should be in the hundreds, possibly thousands, but not in the tens of thousands or millions.</li> </ul>
	<ul style="list-style-type: none"> <li>• Registry operators should meet minimal technical requirements.</li> </ul>
	<ul style="list-style-type: none"> <li>• Registry operators should be accredited similar to the way registrars are accredited.</li> </ul>

	<ul style="list-style-type: none"> <li>• The process of implementing new TLDs and accrediting registry operators should be separate processes. TLD applicants using an already accredited registry operator already meet the minimum technical requirements.</li> </ul>
	<ul style="list-style-type: none"> <li>• Selection process shouldn't favor specific classes of applicants. Process should be simple and straightforward. Regional specificity in proposals is inappropriate. Assistance for developing countries and other special interest programs can be accommodated through other means.</li> </ul>
	<ul style="list-style-type: none"> <li>• qualifications, timing and technical requirements all need to be considered.</li> </ul>
	<ul style="list-style-type: none"> <li>• applications must be self-evident ideas. Those ideas that are ahead of the curve should not be unduly penalized.</li> </ul>
	<ul style="list-style-type: none"> <li>• process should seek large application fees to ensure registries can meet financial requirements. Unused portions can be refunded.</li> </ul>
	<ul style="list-style-type: none"> <li>• we should move away from generic TLDs w/ no purpose to "chartered" TLDs and a demonstration of community interest (instead of proven support of the community).</li> </ul>
	<ul style="list-style-type: none"> <li>• we should maintain restrictions between registries and registrars.</li> </ul>
	<ul style="list-style-type: none"> <li>• financial standards should go beyond "application fees" and more closely resemble to commitments that registrars must make as part of their accreditation.</li> </ul>
	<ul style="list-style-type: none"> <li>• we also need to look at the issue of how to deal with intellectual property rights in TLD strings.</li> </ul>
	<ul style="list-style-type: none"> <li>• we should not measure capabilities solely on the basis of capacity or scale, but also consider other demonstrable factors.</li> </ul>
	<ul style="list-style-type: none"> <li>• community must be able to avail itself of an ongoing process.</li> </ul>
	<ul style="list-style-type: none"> <li>• onus need be placed on the applicant to demonstrate the</li> </ul>

	<p>appropriateness of its application. If they cannot, they should be bumped to the next round.</p>
	<ul style="list-style-type: none"> <li>• May require a blended approach. Auctions specify that those with the most cash, get the best TLDs, or the most TLDs.</li> </ul>
	<ul style="list-style-type: none"> <li>• How will ICANN pick what gets auctioned?</li> </ul>
	<ul style="list-style-type: none"> <li>• Process should be open to all applicants and all strings.</li> </ul>
	<ul style="list-style-type: none"> <li>• Solely using auctions may cause problems. Need a combined approach that employs "slot diversity". i.e.</li> <li>• - in the next round, 4 slots are auction slots, 4 slots are random selections and 2 slots are democratic selections (votes).</li> </ul>
	<ul style="list-style-type: none"> <li>• A combination of first come, first serve and auctions would be far simpler. Use first come, first serve to allocate, but use auctions to resolve string contention.</li> </ul>
	<ul style="list-style-type: none"> <li>• Need to build in safety valves. Should always allow room for common sense to take over.</li> </ul>
	<ul style="list-style-type: none"> <li>• Leaving room for common sense may also leave room for uncommon sense.</li> </ul>
	<ul style="list-style-type: none"> <li>• We should resolve contention by asking each applicant what should be done to resolve contention in the event that it arises in association with their application.</li> </ul>
<p>4. Policy to Guide Contractual Conditions for New Top Level Domains</p> <p>a. Using the experience of previous rounds of top level domain name application processes and the recent amendments to registry services agreements, develop policies to guide the contractual criteria which are publicly available prior to any application rounds.</p> <p>b. Determine what policies are necessary to provide security and stability of registry services.</p> <p>c. Determine appropriate policies to guide a contractual compliance</p>	<ul style="list-style-type: none"> <li>• Great need for standardization of contracts.</li> </ul>

programme for registry services.	
	<ul style="list-style-type: none"> <li>• Contracts should match the needs of the community</li> </ul>
	<ul style="list-style-type: none"> <li>• Needs to made clear which registries qualify for exceptions when those exceptions are being made. Policy needs to be consistent with Charter. Inclusion of the subsidiarity principle would be helpful.</li> </ul>
	<ul style="list-style-type: none"> <li>• Delegation of authority needs to be preserved in the contracts.</li> </ul>
	<ul style="list-style-type: none"> <li>• We should be seeking to test the limits of the contracts</li> </ul>
	<ul style="list-style-type: none"> <li>• We need to define whether the terms of reference includes new unsponsored TLDs as well as sponsored.</li> </ul>
	<ul style="list-style-type: none"> <li>• We should only deal with new sponsored at a later date.</li> </ul>
	<ul style="list-style-type: none"> <li>• We need to further define terminology.</li> </ul>
	<ul style="list-style-type: none"> <li>• First principle should be to “do as little damage as possible” and standardize the procedural requirements.</li> </ul>