RECOMMENDATION

OF THE BOARD GOVERNANCE COMMITTEE (BGC)

RECONSIDERATION REQUEST 13-5

1 AUGUST 2013[1]

On 7 July 2013, Booking.com B.V. ("Booking.com"), through its counsel, Crowell & Moring, submitted a reconsideration request ("Request"). The Request was revised from Booking.com's 28 March 2013 submission of a similar reconsideration request, which was put on hold pending the completion of a request pursuant to ICANN's Documentary Information Disclosure Policy ("DIDP").

The Request asked the Board to reconsider the ICANN staff action of 26 February 2013, when the results of the String Similarity Panel were posted for the New gTLD Program. Specifically, the Request seeks reconsideration of the placement of the applications for .hotels and .hoteis into a string similarity contention set.

I. Relevant Bylaws

As the Request is deemed filed as of the original 28 March 2013 submission, this Request was submitted and should be evaluated under the Bylaws that were in effect from 20 December 2012 through 10 April 2013. Article IV, Section 2.2 of that version of ICANN's Bylaws states in relevant part that any entity may submit a request for reconsideration or review of an ICANN action or inaction to the extent that it has been adversely affected by:

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[1] At its 1 August 2013 meeting, the Board Governance Committee deliberated and reached a decision regarding this Recommendation. During the discussion, however, the BGC noted revisions that were required to the draft Recommendation in order to align with the BGC's decision. After revision and allowing for the BGC member review, the BGC Recommendation on Request 13-5 was finalized and submitted for posting on 21 August 2013.

> (a) one or more staff actions or inactions that contradict established ICANN policy(ies); or
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> (b) one or more actions or inactions of the ICANN Board that have been taken or refused to be taken without consideration of material information, except where the party submitting the request could have submitted, but did not submit, the information for the Board's consideration at the time of action or refusal to act.

A third criteria was added to the Bylaws effective 11 April 2013, following the Board's adoption of expert recommendations for revisions to the Reconsideration process. That third basis for reconsideration, focusing on Board rather than staff conduct, is "one or more actions or inactions of the ICANN Board that are taken as a result of the Board's reliance on false or inaccurate material information." (See http://www.icann.org/en/about/governance/bylaws#IV.)

When challenging a staff action or inaction, a request must contain, among other things, a detailed explanation of the facts as presented to the staff and the reasons why the staff's action or inaction was inconsistent with established ICANN policy(ies). See Article IV §2.6(g) of the 20 December 2012 version of Bylaws (http://www.icann.org/en/about/governance/bylaws/bylaws-20dec12-en.htm#IV) and the current Reconsideration form effective as of 11 April 2013 (http://www.icann.org/en/groups/board/governance/reconsideration/request-form-11apr13-en.doc).

Dismissal of a request for reconsideration is appropriate if the Board Governance Committee ("BGC") finds that the requesting party does not have standing because the party failed to satisfy the criteria set forth in the Bylaws. These standing requirements are intended to protect the reconsideration process from abuse and to ensure that it is not used as a mechanism simply to challenge an action with which someone disagrees, but that it is limited to situations where the staff acted in contravention of established policies.

The Request was originally received on 28 March 2013, which makes it timely under the then effective Bylaws.[2] Bylaws, Art. IV, § 2.5.

II. Background

Within the New gTLD Program, every applied-for string has been subjected to the String Similarity Review set out at Section 2.2.1.1 of the Applicant Guidebook. The String Similarity Review checks each applied-for string against existing TLDs, reserved names and other applied-for TLD strings (among other items) for "visual string similarities that would create a probability of user confusion." (Applicant Guidebook, Section 2.2.1.1.1.) If applied-for strings are determined to be visually identical or similar to each other, the strings will be placed in a contention set, which is then resolved pursuant to the contention resolution processes in Module 4 of the Applicant Guidebook. If a contention set is created, only one of the strings within that contention set may ultimately be approved for delegation.

After issuing a request for proposals, ICANN selected InterConnect Commumications ("ICC") to perform the string similarity review called for in the Applicant Guidebook. On 26 February 2013, ICANN posted ICC's report, which included two non-exact match contention sets (.hotels/.hoteis and .unicorn/.unicom) as well as 230 exact match contention sets. http://www.icann.org/en/news/announcements/announcement-26feb13-en.htm. The String Similarity Review was performed in accordance with process documentation posted at http://newgtlds.icann.org/en/program-status/evaluation-panels/geo-names-similarity-process-07jun13-en.pdf. As part of ICANN's acceptance of the ICC's results, a quality assurance review

[2] ICANN staff and the requester communicated regarding the holds placed on the Request pending the DIDP Response, and the requester met all agreed-upon deadlines, thereby maintaining the timely status of this Request.

was performed over a random sampling of applications to, among other things, test whether the process referenced above was followed.

Booking.com is an applicant for the .hotels string. As a result of being placed in a contention set, .hotels and .hoteis cannot both proceed to delegation. Booking.com will have to resort to private negotiations with the applicant for .hoteis, or proceed to an auction to resolve the contention issue. Request, page 4.

Although the String Similarity Review was performed by a third party, ICANN has determined that the Reconsideration process can properly be invoked for challenges of the third party's decisions where it can be stated that either the vendor failed to follow its process in reaching the decision, or that ICANN staff failed to follow its process in accepting that decision. Because the basis for the Request is not Board conduct, regardless of whether the 20 December 2012 version, or the 11 April 2013 version, of the Reconsideration Bylaws is operative, the BGC's analysis and recommendation below would not change.

III. Analysis of Booking.com's Request for Reconsideration

Booking.com seeks reconsideration and reversal of the decision to place .hotels and .hoteis in a non-exact match contention set. Alternatively, Booking.com requests that an outcome of the Reconsideration process could be to provide "detailed analysis and reasoning regarding the decision to place .hotels into a non-exact match contention set" so that Booking.com may "respond" before ICANN takes a "final decision." (Request, Page 9.)

A. Booking.com's Arguments of Non-Confusability Do Not Demonstrate Process Violations

The main focus of Booking.com's Request is that .hotels and .hoteis can co-exist in the root zone without concern of confusability. (Request, pages 10 – 12.) To support this assertion, Booking.com cites to the opinion of an independent expert that was not part of the string

similarity review panel (Request, pages 10-11), references the intended uses of the .hotels and .hoteis strings (Request, page 11) and the difference in language populations that is expected to be using .hotels and .hoteis (Request, page 11), references ccTLDs that coexist with interchangeable "i"s and "l"s (Request, page 11), notes the keyboard location of "i"s and "l"s (Request, page 12), and contends that potential users who get to the wrong page would understand the error they made to get there (Request, page 12).

Booking.com does not suggest that the process for String Similarity Review set out in the Applicant Guidebook was not followed, or that ICANN staff violated any established ICANN policy in accepting the String Similarity Review Panel ("Panel") decision on placing .hotels and .hoteis in contention sets. Instead, Booking.com is supplanting what it believes the review methodology for assessing visual similarity should have been, as opposed to the methodology set out at Section 2.2.1.1.2 of the Applicant Guidebook. In asserting a new review methodology, Booking.com is asking the BGC (and the Board through the New gTLD Program Committee (NGPC)) to make a substantive evaluation of the confusability of the strings and to reverse the decision. In the context of the New gTLD Program, the Reconsideration process is not however intended for the Board to perform a substantive review of Panel decisions.. While Booking.com may have multiple reasons as to why it believes that its application for .hotels should not be in contention set with .hoteis, Reconsideration is not available as a mechanism to re-try the decisions of the evaluation panels.[3]

[3] Notably, Booking.com fails to reference one of the key components of the documented String Similarity Review, the use of the SWORD Algorithm, which is part of what informs the Panel in assessing the visual similarity of strings. .hotels and .hoteis score a 99% on the publicly available SWORD algorithm for visual similarity. See https://icann.sword-group.com/algorithm/.

Booking.com also claims that its assertions regarding the non-confusability of the .hotels and .hoteis strings demonstrate that "it is contrary to ICANN policy[4] to put them in a contention set." (Request, pages 6-7.) This is just a differently worded attempt to reverse the decision of the Panel. No actual policy or process is cited by Booking.com, only the suggestion that – according to Booking.com – the standards within the Applicant Guidebook on visual similarity should have resulted in a different outcome for the .hotels string. This is not enough for Reconsideration.

Booking.com argues that the contention set decision was taken without material information, including Booking.com's linguistic expert's opinion, or other "information that would refute the mistaken contention that there is likely to be consumer confusion between '.hotels' and '.hoteis.'" (Request, page 7.) However, there is *no* process point in the String Similarity Review for applicants to submit additional information. This is in stark contrast to the reviews set out in Section 2.2.2 of the Applicant Guidebook, including the Technical/Operational review and the Financial Review, which allow for the evaluators to seek clarification or additional information through the issuance of clarifying questions. (AGB, Section 2.2.2.3 (Evaluation Methodology).) As ICANN has explained to Booking.com in response to its DIDP requests for documentation regarding the String Similarity Review, the Review was based upon the methodology in the Applicant Guidebook, supplemented by the Panel's process documentation; the process does not allow for additional inputs.

Just as the process does not call for additional applicant inputs into the visual similarity review, Booking.com's call for further information on the decision to place .hotels and .hoteis in

[4] It is clear that when referring to "policy", Booking.com is referring to the process followed by the String Similarity Review.

a contention set "to give the Requester the opportunity to respond to this, before taking a final decision" is similarly not rooted in any established ICANN process at issue. (Request, page 9.) First, upon notification to the applicants and the posting of the String Similarity Review Panel report of contention sets, the decision was already final. While applicants may avail themselves of accountability mechanism to challenge decisions, the use of an accountability mechanism when there is no proper ground to bring a request for review under the selected mechanism does not then provide opportunity for additional substantive review of decisions already taken.

Second, while we understand the impact that Booking.com faces by being put in a contention set, and that it wishes for more narrative information regarding the Panel's decision, no such narrative is called for in the process. The Applicant Guidebook sets out the methodology used when evaluating visual similarity of strings. The process documentation provided by the String Similarity Review Panel describes the steps followed by the Panel in applying the methodology set out in the Applicant Guidebook. ICANN then coordinates a quality assurance review over a random selection of Panel's reviews to gain confidence that the methodology and process were followed. That is the process used for a making and assessing a determination of visual similarity. Booking.com's disagreement as to whether the methodology should have resulted in a finding of visual similarity does not mean that ICANN (including the third party vendors performing String Similarity Review) violated any policy in reaching the decision (nor does it support a conclusion that the decision was actually wrong).[5]

[5] In trying to bring forward this Request, Booking.com submitted requests to ICANN under the Documentary Information Disclosure Policy (DIDP). As of 25 July 2013, all requests had been responded to, including the release of the Panel process documentation as requested. See Request 20130238-1 at http://www.icann.org/en/about/transparency. Booking.com describes the information it sought through the DIDP at Pages 8 – 9 of its Request. The discussion of those requests, however, has no bearing on the outcome of this Reconsideration.

B. Booking.com's Suggestion of the "Advisory Status" of the String Similarity Panel Decision Does Not Support Reconsideration

In its Request, Booking.com suggests that the Board has the ability to overturn the Panel's decision on .hotels/.hoteis because the Panel merely provided "advice to ICANN" and ICANN made the ultimate decision to accept that advice. Booking.com then suggests that the NGPC's acceptance of GAC advice relating to consideration of allowing singular and plural versions of strings in the New gTLD Program, as well as the NGPC's later determination that no changes were needed to the Applicant Guidebook regarding the singular/plural issue, shows the ability of the NGPC to override the Panel determinations. (Request, pages 5-6.) Booking.com's conclusions in these respects are not accurate and do not support Reconsideration.

The Panel reviewed all applied for strings according to the standards and methodology of the visual string similarity review set out in the Applicant Guidebook. The Guidebook clarifies that once contention sets are formed by the Panel, ICANN will notify the applicants and will publish results on its website. (AGB, Section 2.2.1.1.1.) That the Panel considered its output as "advice" to ICANN (as stated in its process documentation) is not the end of the story. Whether the results are transmitted as "advice" or "outcomes" or "reports", the important query is what ICANN was expected to do with that advice once it was received. ICANN had always made clear that it would rely on the advice of its evaluators in the initial evaluation stage of the New gTLD Program, subject to quality assurance measures. Therefore, Booking.com is actually proposing a new and *different* process when it suggests that ICANN should perform substantive review (instead of process testing) over the results of the String Similarity Review Panel's outcomes prior to the finalization of contention sets.

The subsequent receipt and consideration of GAC advice on singular and plural strings does not change the established process for the development of contention sets based on visual

similarity. The ICANN Bylaws require the ICANN Board to consider GAC advice on issues of public policy (ICANN Bylaws, Art. XI, Sec. 2.1.j); therefore the Board, through the NGPC, was obligated to respond to the GAC advice on singular and plural strings. Ultimately, the NGPC determined that no changes were needed to the Guidebook on this issue. (Resolution 2013.06.25.NG07, at http://www.icann.org/en/groups/board/documents/resolutions-new-gtld-25jun13-en.htm#2.d.) Notably, neither the GAC advice nor the NGPC resolution focused on the issue of visual similarity (which the String Similarity Review Panel was evaluating), but instead the issue was potential consumer confusion from having singular and plural versions of the same word in the root zone. It is unclear how the NGPC's decision on a separate topic – and a decision that did not in any way alter or amend the work of an evaluation panel – supports reconsideration of the development of the .hotels/.hoteis contention set.

VIII. Recommendation And Conclusion

Based on the foregoing, the BGC concludes that Booking.com has not stated proper grounds for reconsideration and we therefore recommend that Booking.com's request be denied without further consideration. This Request challenges a substantive decision taken by a panel in the New gTLD Program and not the process by which that decision was taken. As stated in our Recommendation on Request 13-2, Reconsideration is not a mechanism for direct, de novo appeal of staff or panel decisions with which the requester disagrees, and seeking such relief is, in fact, in contravention of the established processes within ICANN. See http://www.icann.org/en/groups/board/governance/reconsideration/recommendation-nameshop-01may13-en.pdf.

The BGC appreciates the impact to an applicant when placed in a contention set and does not take this recommendation lightly. It is important to recall that the applicant still has the

opportunity to proceed through the New gTLD Program subject to the processes set out in the Applicant Guidebook on contention. We further appreciate that applicants, with so much invested and so much at stake within the evaluation process, are interested in seeking any avenue that will allow their applications to proceed easily through evaluation. However, particularly on an issue such as visual similarity, which is related to the security and stability of the domain name system, there is not – nor is it desirable to have – a process for the BGC or the Board (through the NGPC) to supplant its own determination as to the visual similarity of strings over the guidance of an expert panel formed for that particular purpose. As there is no indication that either the Panel or ICANN staff violated any established ICANN policy in reaching or accepting the decision on the placement of .hotels and .hoteis in a non-exact contention set, this Request should not proceed.

If Booking.com thinks that it has been treated *unfairly* in the new gTLD evaluation process, and the NGPC adopts this Recommendation, Booking.com is free to ask the Ombudsman to review this matter. (*See* ICANN Bylaws the Ombudsman shall "have the right to have access to (but not to publish if otherwise confidential) all necessary information and records from ICANN staff and constituent bodies to enable an informed evaluation of the complaint and to assist in dispute resolution where feasible (subject only to such confidentiality obligations as are imposed by the complainant or any generally applicable confidentiality policies adopted by ICANN)".)

Summary of ICANN Generic Names Supporting Organisation's (GNSO's) Final Report on the Introduction of New Generic Top-Level Domains (gTLDs) and Related Activity

Prepared for the GNSO's 29 October 2007 New gTLDs Workshop in Los Angeles

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Introduction

1. The process for the introduction of new generic top-level domains (gTLDs) is central to fostering choice and competition in domain registration services, and as such is significant to the promotion of ICANN's core values. The evolution of the namespace toward enhanced diversity of services and service providers must be planned and managed effectively to ensure that the security, stability, reliability, and global interoperability of the Internet is maintained.

2. The proposed policy that would guide the introduction of new gTLDs was created by the Generic Names Supporting Organization (GNSO)[1] through its bottom-up, multi-stakeholder policy development process. The questions that have been addressed by the GNSO in the development of new gTLD policy are complex and involve technical, economic, operational, legal, public policy, and other considerations. The intended result is a straightforward process that awards new gTLDs if they satisfy the criteria and no objections are sustained.

3. The GNSO completed its Final Report on the Introduction of New Top-Level Domains[2], This document summarizes the recommendations contained in the Report and notes other work under way to facilitate the introduction of new gTLDs in an orderly and transparent way. Where particularly applicable, it also attempts to briefly provide information about various issues considered by the Committee and the rationale behind the final wording of principles, recommendations and implementation guidelines. This document is meant to provide a concise and easy to read summary of the key elements of the Report and is not intended to replace the full report that the GNSO Council provided.

Goal of the New gTLD Process

4. The GNSO formed a Committee on New Top-Level Domains (the Committee) to address the subject of new gTLDs. The Committee identified five main reasons why ICANN should proceed to introduce new gTLDs at this time:

   (i) It is consistent with the reasons articulated in 1999 when the first proof-of-concept round for new gTLDs was initiated;[3]

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[1] See <http://gnso.icann.org/>
[2] See <http://gnso.icann.org/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm> and <http://gnso.icann.org/issues/new-gtlds/pdp-dec05-fr-partb-01aug07.htm>
[3] See <http://www.icann.org/yokohama/new-tld-topic.htm>

(ii) There are no technical impediments to the introduction of new gTLDs, as evidenced by the two previous rounds and as confirmed by technical experts;

(iii) Expanding the domain name space to accommodate the introduction of both new ASCII and internationalised domain name (IDN) TLDs will give end-users more choice about the nature of their presence on the Internet. In addition, users may be able to use domain names in their language of choice;

(iv) There is demand for additional top-level domains as a business opportunity, which can stimulate competition at the registry service level; and

(v) No compelling reason has been articulated not to proceed with a new gTLD round.

It should be noted that, as with several elements of the Report, disagreements over these reasons were worked through and rough consensus was reached by the Committee. For example, early in the PDP, the Business and Intellectual Property Constituencies provided reasons for restricting a new gTLD round to sponsored TLDs (sTLDs), but ultimately the Committee reached rough consensus not to limit the introduction of new gTLDs.

GNSO Terms of Reference

5. The Committee divided its work into four broad Terms of Reference (TOR). The first TOR raised the preliminary question of whether to move ahead to establish new gTLDs. The Committee answered this question affirmatively and proceeded to consider which policies would enable the introduction of new gTLDs with respect to selection criteria (TOR 2), allocation methods (TOR 3) and policies for contractual conditions (TOR 4). The Committee developed the principles, recommendations and implementation guidelines that are set forth in its report and were approved by the GNSO Council on 6 September 2007 by a supermajority vote. They are summarized below in the order that they will be discussed at the GNSO's 29 October New gTLDs Workshop scheduled for the ICANN Los Angeles meeting. The principles, recommendations, and implementation guidelines have been grouped thematically, in accordance with the Terms of Reference listed above, so that each set is discussed in the most relevant session.

Workshop Session 1: Introductory Material and Contractual Conditions for New gTLDs (TOR 1 & TOR 4)

GNSO Principles, Recommendations 1, 4, 9, 10,[4] 16, 17, 19, Related Implementation Guidelines, and Other Details

6. The Report outlines seven principles that have rough consensus from all GNSO constituencies and Nominating Committee representatives:
    a. **New gTLD Process: Principle A** supports introducing new gTLDs in an orderly, timely and predictable way.
    b. **Availability of IDNs: Principle B** supports having some new gTLDs be IDNs, subject to the approval of IDNs being available in the root.
    c. **Rationale for New gTLDs: Principle C** outlines reasons for introducing new gTLDs, which include demand from potential applicants, as well as the potential to add to consumer choice, market differentiation, and geographical and service-provider diversity.
    d. **Technical Criteria: Principle D** supports having a set of technical criteria to assess applicants to minimise the risk of harming the operational stability, security and global interoperability of the Internet.
    e. **Capability Criteria: Principle E** supports having a set of capability criteria for applicants to provide assurance that it has the capability to meets its obligations under the terms of a registry agreement. This principle also was the result of extensive discussion and compromise among Committee members. Some supported the need for applicants to provide full business plans, while others argued that business plans were not needed. The final wording of Principle E was intended to reach a compromise that all could support by requiring applicants to provide sufficient capability information to demonstrate that an applicant can fulfill what is proposed and what would then become a part of the registry agreement.
    f. **Operational Criteria: Principle F** supports having a set of operational criteria in the registry agreement to ensure compliance with ICANN policies.
    g. **Freedom of Expression: Principle G** specifies that the process of evaluating the proposed gTLD not infringe on an applicant's freedom of expression rights under internationally recognized principles of law. Note that this principle was added after very long and intense discussions about Recommendations 3 and 6 with the

[4] There is no Recommendation 11, which was replaced by Recommendation 20.

purpose of addressing concerns that were primarily communicated by representatives of the Non-Commercial Users Constituency.

7. **Fairness of Process**: The GNSO recommends that ICANN implement a process that allows the introduction of new top-level domains. In addition, the evaluation and selection process should respect the principles of fairness, transparency and non-discrimination. Further, all applicants should be evaluated against transparent and predictable criteria, fully available before initiation of the process. Normally, no additional selection criteria should be used **(Recommendation 1**).
    a. Rationale: It is important that all applications are evaluated against clear criteria in a fair, transparent and non-discriminatory manner.
    b. Issues: There was very strong agreement that selection criteria should be objective and measurable to ensure a predictable and fair process. It was also recognized, however, that some criteria are easier to define in objective and measurable ways than others. Some Committee members suggested excluding any recommendations that could not be absolutely objective. Others felt that there were some cases where concerns of certain members of the community needed to be addressed even if doing so could not achieve the highest standards of objectivity. In all cases, the Committee tried to minimize the need for subjective judgments but it is recognized that there are several areas where this was especially challenging; in those cases, considerable effort was made to make the criteria and process as objectively measurable as possible. (See the discussion of Recommendation 9 that follows).
    c. Implementation Considerations: ICANN Staff has been working over the past year to prepare the groundwork for an orderly process consistent with this recommendation. It is in the process of retaining a provider to assist with preparation of the RFP, which will set forth the relevant criteria and explain all aspects of the application process in detail. (The Statement of Work for preparation of the RFP was posted on 6 September 2007 and is available at http://www.icann.org/tlds/new-gtld-sow-06sep07.htm.)
    d. Potential Impact: Clear criteria, evaluated in a fair, transparent and non-discriminatory manner will instill confidence in ICANN's ability to introduce new gTLDs in a smooth process.
    e. Note: The GNSO's Implementation Guideline C suggests that ICANN provide frequent communications with applicants and the public including comment forums, which is consistent with a transparent and orderly process.

8. **Technical Instability:** Strings must not cause any technical instability (Recommendation 4).

a. Rationale: New gTLDs should not lead to technical instability or unexpected results in the DNS.
b. Issues: The criteria that will be used to review this element will be stated in the RFP.
c. Implementation Considerations: The review is expected to be done by ICANN, drawing on technical expertise as needed.
d. Potential Impact: Applications for strings that are determined to potentially create technical instability or unexpected results in the DNS will not be approved, so as not to jeopardize the continuing stability and security of the Internet's unique identifier systems.

9. **Clear Process & Criteria**: The GNSO recommends that there be a clear and pre-published application process using objective and measurable criteria **(Recommendation 9)**.
    a. Rationale: To be fair and credible, the application process must be made clear in advance and use objective, measurable criteria.
    b. Issues: Certain recommendations, such as those relating to public morality and order, or to community opposition, may not lend themselves readily to development of objective, measurable criteria. (See the Issues comments included for Recommendation 1 above.)
    c. Implementation Considerations: Staff and outside counsel are examining how best to address these issues. In most of the areas covered by the Report, it will be possible to develop measurable criteria.
    d. Potential Impact: A fair, credible round of applications for new gTLDs will benefit the ICANN community and others.
    e. Note: The GNSO's Implementation Guideline A suggests that the application process provide a "pre-defined roadmap" for applicants that encourages the submission of applications for new top-level domains. The GNSO's Implementation Guideline I suggests that an applicant granted a new gTLD must use it "within a fixed timeframe" to be specified in the application process. This guideline is intended to prevent gTLD squatting.

10. **Base Contract:** There must be a base contract provided to applicants at the beginning of the application process (Recommendation 10).[5]
    a. Rationale: Applicants should be on notice as to what the ICANN community expects from a registry operator.
    b. Issues: While it is possible to provide a base contract, it should be recognized that contracts with individual registry operators may vary depending on the particulars of the new gTLD they are being awarded.

[5] The intent is that the base contract will be available before the beginning of the initial, minimum 4-month period that will precede the application period.

c. Implementation Considerations: A draft base contract will be posted for public comment as soon as it is available. Much of the work done by the RFP provider will inform elements of the draft base contract. An outline of the draft base contract was posted in June 2007 (see http://gnso.icann.org/drafts/draft-outline-tld-agreement-20070619.pdf).
d. Potential Impact: A draft base contract provides applicants with realistic expectations about what their contract with ICANN will contain if their application is successful. This is intended to save applicants time and money.
e. Note: The GNSO's Implementation Guidelines (IG) suggest that the base contract should "balance market certainty and flexibility for ICANN to accommodate a rapidly changing market place" (IG-J); that ICANN "should take a consistent approach to the establishment of registry fees" (IG-K); and that "the use of personal data must be limited to the purpose for which it is collected" (IG-L).

11. **Consensus Policies:** Registries must apply existing Consensus Policies and adopt new Consensus Policies as they are approved **(Recommendation 16)**.
    a. Rationale: New and existing gTLD operators should be bound by the same consensus policies.
    b. Issues: While concern was discussed in the Committee regarding special situations where a gTLD serves a specific and well-defined community for which they believe a specific consensus policy may not readily apply, ICANN will maintain and enforce the requirements to adhere to Consensus Policies.
    c. Implementation Considerations: The draft base contract contains a requirement that operators comply with new and existing Consensus Policies.
    d. Potential Impact: Compliance with existing and new Consensus Policies benefits the ICANN community in important ways, including helping to ensure the Internet's security and stability.

12. **Sanctions Program:** A clear compliance and sanctions process must be set out in the base contract which could lead to contract termination **(Recommendation 17)**.
    a. Rationale: Enhanced compliance with registry contract provisions benefits the ICANN community.
    b. Issues: Recent registry agreements have not included a sanctions program (compare, e.g., the 2006 .COM agreement with the 2001 .NAME agreement).
    c. Implementation Considerations: The draft base contract does not contain a sanctions program and staff work continues on this issue.
    d. Potential Impact: Standard sanctions procedures which may be applied by ICANN to gTLD registries under contract.

13. **Use of Registrars:** Registries must use only ICANN accredited registrars in registering domain names and may not discriminate among such accredited registrars **(Recommendation 19)**.
    a. Rationale: ICANN-accredited registrars are under contract with ICANN and must fulfill certain obligations.
    b. Issues: There are differing opinions as to whether smaller registries should be able to start a registrar if larger ones are uninterested in servicing their gTLD.
    c. Implementation Considerations: ICANN's current registry agreements require the use of registrars that must be ICANN-accredited and registries are prohibited from being ICANN – accredited registrars even for their own gTLDs.
    d. Potential Impact: Operators of smaller gTLDs may have difficulty locating registrars to certify. Regions where there are no, or few, ICANN-accredited registrars may also be at a disadvantage. ICANN is aware of the situation and is in the process of working with registrars and registries on possible solutions.

14. **Application Fee:** The GNSO's Implementation Guideline B suggests that application fees be designed to ensure that adequate resources exist to cover the total cost of administering the new gTLD process, and that application fees may vary for different applicants. The GNSO's Implementation Guideline N suggests that ICANN may also develop a "fee reduction model for gTLD applicants from economies classified by the UN as least developed."
    a. Rationale: The entire evaluation and review process should be conducted on a cost-recovery basis. At the same time, there could be a situation in which an applicant that comes from a least developed country or similarly challenged economy might have difficulty in obtaining the funds necessary to pay the required fees.
    b. Issues: Questions that should be examined include whether a potential applicant that cannot raise the required fees (directly or through a partnership or joint venture) would have the capital necessary to launch a new gTLD registry that meets ICANN specifications and is consistent with security and stability requirements as defined in this process. Other questions include how to distinguish applicants that can afford the fees even if they are from a least developed economy or similarly challenged economy, and how to avoid situations where potential applicants try to take advantage of any exception.
    c. Implementation Considerations: ICANN has stated that (i) the entire evaluation and review process will be conducted on a cost-recovery basis; (ii) the costs associated with the initial evaluation will be covered by the application fee; and (iii) the costs associated with any objections or contention resolution (or other review beyond

basic evaluation) will be borne by the parties utilizing those processes.

d. Potential Impact: ICANN Staff and the GNSO will discuss the issues described above, carefully balancing the importance of encouraging applications from all parts of the world with the financial and other resources required to operate a new gTLD registry.

15. **Working Languages:** The GNSO's Implementation Guideline M suggests that ICANN establish a capacity building and support mechanism to help facilitate effective communication on important and technical Internet governance functions in a way that no longer requires all participants know English. The GNSO's Implementation Guideline O suggests that ICANN provide information about the new gTLD process in major languages other than English (e.g., the six working languages of the United Nations).
    a. Rationale: It is important to use different languages in order to reach as many potential applicants as possible, particularly as the goal is to solicit applications for new IDN gTLDs as well as ASCII. ICANN has already begun to conduct consultations and distribute documents in other languages, and is implementing a translation policy that will benefit the new gTLD process.
    b. Issues: ICANN will publicize the new gTLD process in different languages, but it remains to be seen if applications could be accepted in languages other than English.
    c. Implementation Considerations: There could be a trade-off between the duration of the round and the number of languages used during the evaluation period.
    d. Potential Impact: Even with using the 6 languages of the UN, it is possible that some potential applicants will not learn of the gTLD application process. ICANN's communications team is already developing a proactive plan to reach as many potential applicants as possible.

Workshop Session 2: Selection Criteria for New gTLDs (TOR 2)

GNSO Recommendations 2, 5, 7, 8, 13, 14, 15, 18 & Related Implementation Guidelines

16. **Confusingly Similar**: Strings must not be confusingly similar to an existing top-level domain or a Reserved Name **(Recommendation 2)**.
    a. Rationale: A confusingly similar string could cause technical or consumer confusion.
    b. Issues: A string that resembles another string is not necessarily confusingly similar. In reviewing the approval of .BIZ in light of the existence of .BZ in 2001, ICANN's Reconsideration Committee

concluded that the two TLDs "do not appear reasonably subject to confusion," see http://www.icann.org/committees/reconsideration/rc01-1.htm. Indeed, the following TLDs co-exist today: .CO and .COM; .BZ and .BS; .BS, .BZ and .BIZ; .INT, .IN and .INFO; and .NE and .NET. Examples of strings that could cause confusion include ".C0M" (using a zero) and .COM, or ".1NFO" (using the number one) and .INFO. Staff has begun discussions regarding an algorithm that could provide guidance on which applications require further scrutiny.[6]

c. Implementation Considerations: Staff is exploring various options for implementation of this recommendation, including the application of an algorithm that provides guidance on which TLD strings are considered to be confusingly similar, and providing a capability for formal objection to be filed to an application by a third party on the grounds that the proposed gTLD is confusingly similar to an existing TLD.
d. Potential Impact: Internet users throughout the world would benefit from the avoidance of creating new gTLDs that are confusingly similar to existing TLDs or reserved names.

17. **Reserved Names:** Strings must not be a Reserved Name **(Recommendation 5)**.
    a. Rationale: Reserved Names may not be used at the top level.
    b. Issues: Some of the conclusions of the Reserved Names Working Group (RN-WG) were incorporated in the Report's recommendations and guidelines. The RN-WG's full set of recommendations may be found in Part B of the Report.[7] The RN-WG recommended (and the GNSO agreed) that the following names be reserved: ICANN and IANA related names; any names that appear in the IDN Evaluation Facility that consist exclusively of translations of 'example' and 'test'; NIC, Whois and www; single characters; symbols; tagged names; digits; and two letter names (for ccTLD use). The group recommended (and the GNSO agreed) that controversial names; geographic and geopolitical indicators, single and two character U-labels and single letter/single-digit combinations not be reserved. It was difficult for the group to define clear reservation requirements for geographical/geopolitical names and controversial names, and members believed those issues could be addressed by the new gTLD dispute resolution and challenge processes. ICANN Staff prepared a document for the GNSO Council providing information on implementation of the RN-WG recommendations, which was released on 4 September 2007

[6] http://gnso.icann.org/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm#_Toc35657638
[7] See http://gnso.icann.org/issues/new-gtlds/pdp-dec05-fr-partb-01aug07.htm#_Toc47680304.

and is available at http://www.gnso.icann.org/drafts/icann-implementation-doc-gnso-rswg-04sep07.pdf.

c. Implementation Considerations: As part of the administrative review of each application, ICANN Staff will determine whether the proposed string is on the Reserved Names list that will be published by ICANN.
d. Potential Impact: Applicants that propose strings that are a Reserved Name will not be approved.

18. **Technical Capability**: Applicants must be able to demonstrate their technical capability to run a registry operation for the purpose that the applicant sets out. **(Recommendation 7)**.
    a. Rationale: An applicant must be technically capable of operating a new gTLD registry to ensure that its operation does not negatively affect the stability and integrity of the DNS.
    b. Issues: There will be minimal technical criteria for all applicants to ensure security, stability and interoperability of the Internet. Also, technical requirements may vary depending on the purpose and use of the gTLD. For example, a gTLD designed to serve a specific geographical region or a small community would not need the same DNS constellation requirements that would be needed by a global gTLD.
    c. Implementation Considerations: Staff has asked the provider that will develop the RFP to propose the technical criteria, based on previous rounds.
    d. Potential Impact: Applicants will have to demonstrate that their operation of a new gTLD will not adversely affect the stability or security of the DNS.

19. **Operational Capability**: Applicants must be able to demonstrate their financial and organisational operational capability (Recommendation 8).
    a. Rationale: An applicant must have the financial and organisational operational capability to operate a new gTLD registry without jeopardizing the stability or integrity of the DNS.
    b. Issues: It remains to be seen whether there are ways to improve the operational criteria that have been used in previous rounds[8]. As noted regarding technical criteria, financial and operational requirements can vary depending on the gTLD. Principle E states, "A set of capability criteria for a new gTLD registry applicant must be used to provide an assurance that an applicant has the capability to meets its obligations under the terms of ICANN's registry agreement." Obligations may vary depending on what is proposed by an applicant.

[8] See http://www.icann.org/tlds/tld-criteria-15aug00.htm and http://www.icann.org/tlds/stld-apps-19mar04/PostAppA.pdf.

c. Implementation Considerations: Staff has asked the provider that will develop the RFP to propose the relevant business, financial and organisational criteria, based on previous rounds.
d. Potential Impact: Applicants will be assessed to help ensure that their operation of a new gTLD will not adversely affect the stability or security of the DNS and that they are capable of implementing the gTLD as proposed.

20. **Application Rounds:** Applications must initially be assessed in rounds until the scale of demand is clear **(Recommendation 13)**.
    a. Rationale: There is likely to be a need to assess applications in rounds until demand for new gTLDs levels off.
    b. Issues: Staff is factoring unknown application volume and scalability issues into its proposed implementation plans. The Committee suggested that ICANN should attempt to staff itself to accommodate whatever demand occurs while recognizing that it is not possible to accurately predict demand. The intent of this recommendation was that applications would be processed in rounds until such time as an ongoing application process could be put into place. Consistent with that, it is expected that the date for a second round will be communicated in the RFP for the first round.
    c. Implementation Considerations: It remains to be seen if there is a limit to the number of applications that ICANN can process in one round. Within a round, all applicants will be evaluated on the same grounds (i.e., order of receipt within a round will not be an evaluation criterion but will only be considered with regard to processing order).
    d. Potential Impact: The concept of rounds is important in terms of enabling any technical issues to be quickly identified and addressed. At the same time, it is important to clarify for applicants in this round whether there will be sub-rounds if more than "x" number of applications are received. It is also important to provide parties that might wish to apply in the future with appropriate guidance.

Note: The GNSO's Implementation Guideline D suggests that ICANN use a "first- come, first-served" processing schedule within each round, continuing for other rounds, if necessary. Upon receipt by ICANN, applications would be time and date stamped. The GNSO's Implementation Guideline E suggests that the application submission date be at least four months after the RFP is issued, and that ICANN take steps to publicize the opening of the round. The rationale behind the minimum 4-month period before the application submission period included 1) to allow entities to adequately prepare their response to the RFP and 2) to allow time for adequate and broad communication of the round within and external to ICANN circles.

21. **Duration of Registry Agreement:** The initial registry agreement term must be of a commercially reasonable length **(Recommendation 14).**
    a. Rationale: Operating a first-class registry requires substantial resources, which operators may be unlikely to make without an assurance that they will be able to run a registry for at least a specific term and recoup their investment.
    b. Issues: None – this issue has already been addressed, with existing gTLD operators.
    c. Implementation Considerations: The draft base contract contains a term of ten years.
    d. Potential Impact: A contract of a commercially reasonable duration provides incentives for a registry operator to make the investment necessary to operate a new gTLD in a stable and secure manner.

22. **Renewal Expectancy:** There must be renewal expectancy **(Recommendation 15)**.
    a. Rationale: A registry operator is also more likely to invest significant resources if it has the expectation that its contract will be renewed, absent malfeasance or other situations.
    b. Issues: None – this issue has already been addressed, with respect to existing gTLD operators.
    c. Implementation Considerations: The draft base contact provides an expectancy of renewal unless an arbitrator or court determines that the operator has breached the agreement and failed to cure it.
    d. Potential Impact: The expectation of renewal provides a further incentive for a registry operator to invest the necessary resources in operating a new gTLD.

23. **IDN Guidelines:** If an applicant offers an IDN service, then ICANN's IDN guidelines must be followed **(Recommendation 18)**.
    a. Rationale: The IDN Guidelines must be followed to ensure security, stability and interoperability issues are sufficiently addressed, to minimize the risk of cybersquatting and consumer confusion, and to respect the interests of local languages and character sets.
    b. Issues: ICANN staff will coordinate with other ICANN stakeholders to help ensure that the IDN Guidelines are successfully implemented. Any future IDN policy that relates to or effects gTLDs will be addressed by the GNSO.
    c. Implementation Considerations: ICANN Staff and others are working to ensure that IDN gTLDs are introduced in a timely manner, and that the activities of the ccNSO[9] related to the introduction of IDN ccTLDs, and activities in organizations such as the IETF with regard to the IDNA standards are coordinated, as needed.

[9] See http://ccnso.icann.org/

d. Potential Impact: Following the IDN Guidelines will support the diversity, security and stability of the domain name system (DNS).

Workshop Session 3: Allocation Methods for New gTLDs (TOR 3)

GNSO Recommendations 3, 6, 12, 20 & Related Implementation Guidelines

24. **Legal Rights of Others:** Strings must not infringe the existing legal rights of others that are recognized or enforceable under generally accepted and internationally recognized principles of law. Examples of these legal rights that are internationally recognized include, but are not limited to, rights defined in the Paris Convention for the Protection of Industry Property (in particular trademark rights), the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR) (in particular freedom of expression rights) **(Recommendation 3)**.
    a. Rationale: A party holding rights that believes it would be harmed may file an objection that a proposed gTLD will infringe on legal rights that are recognized or enforceable under generally accepted and internationally recognized principles of law.
    b. Issues: Efforts should be made to clarify the kinds of legal rights that are derived from internationally recognized principles of law and applicable to the context of new gTLDs.
    c. Implementation Considerations: Further legal research is being done on the potential applicability of the Paris Convention on the Protection of Industrial Property, the International Covenant on Civil and Political Rights (ICCPR) and the Universal Declaration of Human Rights (UDHR). Article 6bis of the Paris Convention, for example, prohibits the "reproduction, [an] imitation, or [a] translation, liable to create confusion, of a [trade]mark, " although it does not appear to have ever been applied in the context of a TLD. Provisions of the ICCPR and other human rights treaties prohibit a state party from arbitrary or unlawful interference with an individual's privacy and family, and protect an individual's freedom of thought, conscience, religion, opinion and expression. Further legal research can help determine what rights could be at issue in the context of establishing new gTLDs.
    d. Potential Impact: It is important that the new gTLD process respect the concerns that have been expressed by groups representing both trademark and freedom of expression interests.

25. **Public Morality & Public Order:** Strings must not be contrary to generally accepted legal norms relating to morality and public order that are recognized under international principles of law. Examples of such principles of law include, but are not limited to, the Universal Declaration of Human Rights

(UDHR), the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the International Convention on the Elimination of All Forms of Racial Discrimination, intellectual property treaties administered by the World Intellectual Property Organisation (WIPO) and the WTO Agreement on Trade-Related Aspects of Intellectual Property (TRIPS) **(Recommendation 6).**

a. Rationale: Anyone may file an objection to a proposed gTLD on the ground that it is contrary to generally accepted legal norms relating to morality and public order that are recognized under international principles of law.
b. Issues: Efforts should be made to clarify the meaning of "generally accepted legal norms relating to morality and public order that are recognized under international principles of law" and would be applicable to decisions regarding new gTLDs.
c. Implementation Considerations: Further legal research is being done on the potential applicability of the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), the International Convention on the Elimination of All Forms of Racial Discrimination, intellectual property treaties administered by the World Intellectual Property Organization (WIPO), the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) and other potentially useful agreements, as well as how various national legal systems have addressed this question. Under Article 29(2) of the UDHR, for example, limitations on an individual's rights and freedoms may be permitted "as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society." Article 6quinquies of the Paris Convention contains language relating to the denial of trademark registration in cases "when they are contrary to morality or public order and, in particular, of such a nature as to deceive the public." Legal research thus far suggests that international law has not addressed concepts of "morality" in connection with gTLDs or, the DNS or the Internet more generally. Other ideas may also be considered, such as having panels of internationally recognized experts review an objection under guidelines drawn from (or informed by) the practice of various ccTLDs with respect to second-level registration of domain names.
d. Potential Impact: There is subjectivity involved in an expert panel making determinations on objections brought on these grounds. Concern has been expressed that the notion of public morality varies by region, by country, and by individual. As such, it will be

difficult to find any common standard to apply, much less to do so in an objective manner.

26. **Dispute Resolution:** Dispute resolution and challenge processes must be established prior to the start of the process **(Recommendation 12)**.
    a. Rationale: As noted above, it is important that all aspects of the application process be known before applications for new gTLDs are prepared and submitted.
    b. Issues: Dispute resolution and challenge are intended to address two types of situations: (i) the filing of an objection against an application on certain specific grounds developed from the GNSO's recommendations (relating to confusingly similar (see paragraph 15 in the Report); legal rights of others (see paragraph 23 in the Report); morality & public order (see paragraph 24 in the Report); or community opposition pursuant to an "Objection Resolution Process (see paragraph 26 in the Report);" and (ii) when two or more applicants are vying for the same new gTLD ("contention resolution"). The procedures, standing and criteria for assessment need to be developed, and ICANN Staff has begun this process in consultation with outside counsel and other experts.
    c. Implementation Considerations: ICANN Staff is taking steps to recruit an expert provider to supervise and help develop the Objection Resolution Process, and also exploring options for resolving cases of contention. (This is consistent with the GNSO's Implementation Guideline H, which suggests that independent external dispute providers render decisions on objections.) A "cooling off period" will be encouraged to enable parties involved in an objection or contention proceeding to try and resolve the issue on their own, as suggested by the GNSO's Implementation Guideline R.
    d. In addition to setting forth all aspects of the final process in the RFP and announcements about the new gTLD process, ICANN plans – consistent with the GNSO's Implementation Guideline Q – to provide an automatic reply to acknowledge all public comments received and along with that acknowledgement provide links to dispute resolution information and processes.
    e. Potential Impact: Explaining these processes before the application round is launched will facilitate implementation of the entire process, and periodic reminders during the process, particularly about any deadlines, will also be helpful.
    f. Note: The GNSO's Implementation Guideline F suggests that applicants may resolve contention between them by mutual agreement within a pre-established timeframe. Otherwise, a "claim to support a community by one party will be a reason to award priority to that application." The GNSO also suggests that "the ICANN Board may be used to make a final decision, using advice

from staff and expert panels." As noted above, contention resolution can provide for resolving cases where two or more applications, which have been judged qualified and have overcome any formal objections, are competing for the same string, or for strings that have been determined to be "confusingly similar." The Committee discussed methods such as 'comparative evaluation'. 'lotteries' or 'auctions' but was unable to reach agreement to include them in the implementation guidelines. There were those who referred derogatorily to 'comparative evaluations' as 'beauty contests' while others supported such an approach. There were those who saw auctions as the ultimate in objectivity while others criticized them for favoring the rich. Some favored lotteries for fairness but there were concerns about the legal issues involved in running lotteries. ICANN Staff is exploring processes that enable contention to be resolved informally by the parties, or through comparative evaluation, auction, mediation, lottery, arbitration or some other objective delegation method. It should be noted that the role of the Board in the process remains to be defined.

g. The GNSO's Implementation Guideline H suggests that an applicant's claim that the TLD is intended to support a particular community, such as a sponsored TLD or any other TLD intended for a specified community, will be taken on trust unless (i) the claim relates to a string that is also subject to another application and is being used only to gain priority for one of the applications; and (ii) a formal objection process is initiated pursuant to Recommendation 20).

27. **Community Opposition:** An application will be rejected if an expert panel determines that there is substantial opposition to it from a significant portion of the community to which the string may be explicitly or implicitly targeted **(Recommendation 20)**.
    a. Rationale: An established institution representing a specified community may file an objection on the ground that there is substantial opposition to the application by a significant portion of the community to which the string may be explicitly or implicitly targeted.
    b. Issues: The definitions of the terms involved in an objection of this kind are important in terms of trying to limit subjectivity.
    c. Implementation Considerations: The GNSO's Implementation Guideline P suggests the following definitions:
        i. Defining "substantial opposition" by reference to "significant portion," "community," "explicitly targeting," "implicitly targeting," "established institution," "formal existence" and "detriment;"
        ii. Defining "significant portion" in terms of the "balance between the level of objection submitted by one or more

established institutions and the level of support provided in the application from one or more such institutions;"

iii. Defining "community" broadly, such as "an economic sector, a cultural community, or a linguistic community. It may also be a closely related community which believes it is impacted;"

iv. Defining "explicitly targeted" as meaning there is "a description of the intended use of the TLD in the application;"

v. Defining "implicitly targeted" as meaning a reasonable person would make "an assumption of targeting" or believe that "there may be confusion by users over its intended use;"

vi. Defining an "established institution" as one that "has been in formal existence for at least 5 years" (with fewer than five years "in exceptional circumstances," such as a "re-organisation, merger, or an inherently younger community") and including certain ICANN organizations (GAC, ALAC, GNSO, ccNSO and ASO); and

vii. Defining "formal existence" as evidenced by appropriate public documentation or validation.

This Guideline also suggests that the "objector must provide sufficient evidence to allow the panel to determine that there would be a likelihood of detriment to the rights or legitimate interests of the community or to users more widely.

d. Potential Impact: Notwithstanding the GNSO's effort to provide definitional suggestions, challenges remain in implementing this recommendation. In addition, questions have arisen about the impact on a community if the purpose or business model of the new gTLD changes after approval. This issue might be addressed in a new registry's agreement with ICANN, or the registry could reach an agreement directly with the affected community, without limiting innovation.

Background Material

Policy Development Background

28. The Generic Names Supporting Organization (GNSO)[10] has completed its Final Report on the Introduction of New Top-Level Domains (the Report).

[10] http://gnso.icann.org/

Part A of the Report contains the substantive discussion of the Principles, Policy Recommendations and Implementation Guidelines (http://gnso.icann.org/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm**).** Part B contains a range of supplementary materials that were used by the Committee during the Policy Development Process (PDP), including Constituency Impact Statements (CIS), Working Group Reports on sub-elements of the Committee's deliberations, a collection of external reference materials and procedural documentation (http://gnso.icann.org/issues/new-gtlds/pdp-dec05-fr-partb-01aug07.htm**).** Part B includes the reports of the Internationalised Domain Names Working Group (IDN-WG), the Reserved Names Working Group (RN-WG) and the Protecting the Rights of Others Working Group (PRO-WG). In addition, an ad-hoc group is developing an informational resource on rights protection mechanisms and their implementation; this resource will accompany the RFP.

29. More than 80 comments on the Report were submitted during the GNSO public comment forum that ran from 10 to 30 August 2007 (http://www.icann.org/announcements/announcement-10aug07.htm), and a synopsis of the comments is posted at http://forum.icann.org/lists/gtldfinalreport-2007/msg00082.html. The comments can be roughly divided into three categories:
    (i) Concern about the subjectivity of language in Recommendations 6 and 20, relating to morality and public order, and to significant community opposition and belief that ICANN should "confine itself to technical and operational matters."
    (ii) General comments related to process and urging ICANN to move towards a robust and objective application process available as quickly as possible; and
    (iii) Other comments relating to specific elements, such as IDN issues, the use of accredited registrars and protection of trademark rights.

30. On 6 September 2007, the GNSO Council voted 19-1-3 to support the recommendations in the Report, which exceeds the minimum required supermajority under the ICANN Bylaws.

31. Over the last year, based on the evolving work of the GNSO, ICANN Staff have been developing the various processes that would be needed to implement the GNSO's recommendations, taking into account the GNSO's work and the lessons learned from two previous rounds of gTLD expansion, as well as the .ORG and .NET rebids. ICANN Staff had numerous discussions with the GNSO members developing the Report and provided the GNSO with two "Discussion Points" documents containing questions regarding how certain draft recommendations might be implemented (http://gnso.icann.org/drafts/GNSO-PDP-Dec05-StaffMemo-14Nov06.pdf and http://gnso.icann.org/drafts/PDP-Dec05-StaffMemo-19-jun-07.pdf). Upon approval of the Report by the ICANN Board, this work will be completed and a

"proposed implementation plan" will be posted for public comment before being finalized and initiated.

GNSO Participation

32. The GNSO Committee on New Top-Level Domains consisted of GNSO Council members http://gnso.icann.org/council/members.shtml or their designees. All meetings were open to a wide range of interested stakeholders and observers. A set of participation data is found in Part B.

Constituency Impact Statements

33. Key points from Constituency Impact Statements have been reflected in the sections above addressing "Impact." The full texts are available in Part B of the Report. Part B also includes comments submitted by a Councilor appointed to the Council by the Nominating Committee.

For More Information

34. See <http://www.icann.org/topics/gtld-strategy-area.html> or contact <policy@icann.org>

Annex: Reserved Names Summary

The following information is provided to give a complete but concise summary of all reserved name requirements for new gTLDs. Please note that reserved name requirements include both those listed in the alphabetical list in the table and the requirements described in the Special Reserved Names Categories section.

Alphabetical List

ASCII			IDN		
Top Level	**2nd Level**	**3rd Level**	**Top Level**	**2nd Level**	**3rd Level*** **
0	AFRINIC	AFRINIC	All Unicode versions of 'Example' and 'Test'	All Unicode versions of 'Example' ** and names that appear in the IDN Evaluation Facility.	All Unicode versions of 'Example' **
1	APNIC	APNIC			
2	ARIN	ARIN			
3	ASO	ASO			
4	ccNSO	ccNSO			
5	Example	Example			
6	GNSO	GNSO			
7	gtld-servers	gtld-servers			
8	IAB	IAB			
9	IANA	IANA			
a	iana-servers	iana-servers			
AFRINIC	ICANN	ICANN			
APNIC	IESG	IESG			
ARIN	IETF	IETF			
ASO	Internic	Internic			
b	IRTF	IRTF			
c	ISTF	ISTF			
ccNSO	LACNIC	LACNIC			
d	LATNIC	LATNIC			
e	NIC*	NIC*			
Example	rfc-editor	rfc-editor			
f	RIPE	RIPE			
g	root-servers	root-servers			
GNSO	Whois*	Whois*			
gtld-servers	www*	www*			
h					
i					
IAB					
IANA					
iana-servers					
ICANN					
IESG					
IETF					
Internic					
IRTF					
ISTF					
j					

ASCII			IDN		
Top Level	**2nd Level**	**3rd Level**	**Top Level**	**2nd Level**	**3rd Level*** **
k l LACNIC LATNIC m n NIC o p q r rfc-editor RIPE root-servers s t test u v w Whois www x y z					

* For use by registry operators only.

** The RN-WG recommended that ICANN not try to translate 'example' into Unicode versions for various scripts or to reserve any ACE versions of such translations or transliterations if they exist, except on a case by case basis as proposed by given registries.

*** Applicable only in cases where a registry registers names at the third level.

Special Reserved Names Categories

In addition to the reserved names included in the table above, the following requirements also apply for all new gTLDs:

- Symbols may not be used in any ASCII name at any level except in cases where the hyphen (-) is allowed.
- Tagged names may not be used in any ASCII name at any level except when a registry has approval to offer IDN names and, in such cases, only the currently approved IDNA prefix may be used in tagged names (e.g., xn--).

- Two letter ASCII names at the top level are reserved for the use of ccTLD names only.

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Interview: Atallah on new gTLD objection losers

Kevin Murphy, August 16, 2013, 11:20:59 (UTC), Domain Policy

Filing a lawsuit against a competitor won't stop ICANN rejecting your new gTLD application.

That's according to Akram Atallah, president of ICANN's Generic Domains Division, who spoke to DI yesterday about possible outcomes from new gTLD objection rulings.

He also said that applicants that believe they've been wronged by the objection process may have ways to appeal the decisions and addressed what happens if objection panels make conflicting decisions.

Lawsuits won't stay ICANN's hand

In light of the lawsuit by Del Monte International GmbH against Del Monte Corp, as reported by Domain Name Wire yesterday, I asked Atallah if ICANN would put applications on hold pending the outcome of legal action.

The GmbH lost a Legal Rights Objection filed by the Corp, which is the older company and owner of the "Del Monte" trademark pretty much everywhere, meaning the GmbH's bid, under ICANN rules, must fail.

Atallah said lawsuits should not impact ICANN's processes.

"For us it's final," Atallah said. "If they have to go outside and take legal action then the outcome of the legal action will be enforceable by law and we will have to abide by it. But from our perspective the [objection panel's] decision is final."

There might be ways to appeal

In some cases when an applicant loses an objection — such as a String Confusion Objection filed by an existing TLD or an LRO filed by a trademark owner — the only step left is for it to withdraw its application and receive whatever refund remains.

There have been no such withdrawals so far.

I asked Atallah whether there were any ways to appeal a decision that would lead to rejection.

"The Applicant Guidebook is very clear," he said. "When an applicant loses an objection, basically their application will not proceed any further. We would like to see them withdraw their application and therefore finish the issue."

"Of course, as with anything ICANN, they have some other avenues for asking for reconsidering the decision," he added. "Basically, going to the Ombudsman, filing a Reconsideration Request, or even lobbying the board or something."

I wondered whether the Reconsideration process would apply to decisions made by third parties such as arbitration panels, and Atallah admitted that the Guidebook was "murky" on this point.

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NTAG rubbishes new gTLD collision risk report

Verisign confirms .gov downtime, blames algorithm

Reports: .gov fails due to DNSSEC error

dotShabaka Diary — Day 3

"There are two mentions in the Guidebook of this, I think," he said. "One mentions that it [the panel's decision] is final — the application stops — the other mentions that it is advice to staff."

That seems to be a reference to the Guidebook at 3.4.6, which states:

> The findings of the panel will be considered an expert determination and advice that ICANN will accept within the dispute resolution process.

This paragraph suggests that ICANN staff have to accept the objection panel's decision. That would make it an ICANN decision to reject the application, which can be challenged under Reconsideration.

Of course, the Reconsideration process has yet to see ICANN change its mind on any matter of substance. My feeling is that to prevail you'd at a minimum have to present the board with new information not available at the time the original decision was made.

What if different panelists reach opposite conclusions?

While the International Centre for Dispute Resolution has not yet published its panels' decisions in String Confusion Objection cases, a few have leaked out.

(UPDATE: This turns out not to be correct. The decisions have been published, but the only way to find them is via obscured links in a PDF file buried on the ICDR web site. Way to be transparent, ICDR.)

I've read four, enough to see that panelists are taking diverse and sometimes opposing views in their decision-making.

For instance, a panelist in .car v .cars (pdf) decided that it was inappropriate to consider trademark law in his decision, while the panelist in .tv v .tvs (pdf) apparently gave trademark law a lot of weight.

How the applicants intend to use their strings — for example, one may be a single-registrant space, the other open — seems to be factoring into panelists' thinking, which could lead to divergent opinions.

Even though Google's .car was ruled not confusingly similar to Donuts' .cars, it seems very possible that another panelist could reach the opposite conclusion — in one of Google's other two .cars objections — based on trademark law and proposed usage of the gTLD.

If that were to happen, would only one .cars application find itself in the .car contention set? Would the two contention sets be linked? Would all three .cars applications wind up competing with .car, even if two of them prevailed against Google at the ICDR?

It doesn't sound like ICANN has figured out a way to resolve this potential problem yet.

"I agree with you that it's an issue to actually allow two panels to review the same thing, but that's how the objection process was designed in the Guidebook and we'd just have to figure out a way to handle exceptions," Atallah said.

"If we do get a case where we have a situation where a singular and a plural string — or any two strings actually — are found to be similar, the

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best outcome might be to go back to the GNSO or to the community and get their read on that," he said. "That might be what the board might request us to do."

"There are lots of different ways to figure out a solution to the problem, it just depends on how big the problem will be and if it points to an unclear policy or an unclear implementation," he said.

But Atallah was clear that if one singular string is ruled confusing to the plural version of the same string, that panel's decision would not cause all plurals and singulars to go into contention.

"If a panel decides there is similarity between two strings and another panel said there is not, it will be for that string in particular, it would not be in general, it would not affect anything else," he said.

ICANN, despite Governmental Advisory Committee advice to the contrary, decided in late June that singular and plural gTLDs can coexist under the new regime.

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Tuesday, July 23, 2013

ICANN Legal Rights Objections: What's Past Is Prologue

by Thomas O'Toole

As of today, panelists at the World Intellectual Property Organization's Arbitration and Mediation Center have decided 12 trademark-based legal rights objections to a proposed top-level domain under the Internet Corporation for Assigned Names and Numbers' new gTLD initiative. They rejected every one, almost categorically so.

With 53 legal rights objections remaining to be decided, the only surprise the future might hold is the faint prospect that a WIPO panelist might actually rule in favor of a trademark owner.

Legal Rights Objection Rulings to Date OK

gTLD String	Party Rights
.express	Objector owned word mark EXPRESS; respondent lacked TM rights
.home	Objector owned design marks for .home and true.home; respondent lacked TM rights
.home	Objector owned design marks for .home and true.home; respondent lacked TM rights
.home	Objector owned design marks for .home and true.home; respondent lacked TM rights
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.mls	Objector owned word mark for MLS; respondent lacked TM rights
.pin	Objector owned design mark for P, word mark for PINTEREST, figurative mark for PIN IT; respondent lacked TM rights
.rightathome	Objector owned word mark for RIGHT@HOME; respondent owned word mark for RIGHT AT HOME
.tunes	Objector owned design mark for .tunes; respondent lacked TM rights
.vip	Objector possessed rights in word mark for VIP; respondent owned word mark for DOTVIP

The biggest lesson so far has been that the Legal Rights Objection process is wholly ineffective for trademark owners seeking to knock down proposed domains containing generic strings. In many cases, companies owning marks for terms such as EXPRESS, HOME, VIP, LIMITED, MAIL, TUNES have lost LROs to domain applicants with no intellectual property rights in those terms whatsoever. Pinterest's failed challenge to Amazon's proposed .pin domain was particularly ominous for mark owners, because Amazon seems pretty clearly to be moving in on Pinterest's business. Proposed domains for dozens of

generic terms (e.g., .academy, .blue, .cam, .coach, .direct, .food, .music, .now, .song) and many others all appear highly likely to emerge unscathed from the legal rights objections process. Law is a "never say never" profession but, seriously, the adverse results in the .express and .mail proceedings ought be be writing on the wall for the remaining trademark-based challengers to generic string domains.

The reason for this dour outlook can be found in passages from two early LRO rulings: the first one, *Right at Home v. Johnson Shareholdings Inc.*, No. LRO2013-0300 (WIPO, July 3, 2013); and the second, my favorite, *Express LLC v. Sea Sunset LLC*, No. LRO2013-0022 (WIPO, July 9, 2013).

In *Right at Home*, panelist Robert A. Badgley offered the first interpretation of key terms in Section 3.5 of ICANN's New gTLD Applicant Guidebook. The guidebook uses highly qualified language, directing LRO panelists to decide whether the proposed new domain "takes unfair advantage" of the trademark owner's rights, or "unjustifiably impairs" the value of the mark, or creates an "impermissible likelihood of confusion" between the mark and the proposed domain.

In Badgley's view, this language creates a very high burden for trademark-based objections:

> *The use of the terms "unfair," "unjustifiably," and "impermissible" as modifiers, respectively, of "advantage," "impairs," and "likelihood of confusion" in Section 3.5.2 suggests that there must be something more than mere advantage gained, or mere impairment, or mere likelihood of confusion for an Objection to succeed under the Procedure. It seems, rather, that* ***there must be something untoward – even if not to the level of bad faith – in the conduct or motives of Respondent****, or* ***something intolerable in the state of affairs*** *which would obtain if the Respondent were permitted to keep the String in dispute.* (emphasis added)

Obviously, it is going to be very difficult for any trademark owner to demonstrate that a proposed domain is so fishy it satisfies the "something untoward ... if not to the level of bad faith" standard.

So far, no panel has challenged Badgley's interpretation of Section 3.5.2. In fact, his *Right at Home* decision has been cited with approval in three subsqequent LRO decisions: *Canadian Real Estate Association v. Afilias Limited*, *Pinterest, Inc. v. Amazon EU S.à.r.l*, and *Defender Security Company v. Lifestyle Domain Holdings, Inc.*

The second opinion, *Express LLC v. Sea Sunset LLC,* was one of the better opinions (and I am including the federal court stuff that we wade through every day) I have read in a while. Panelist Frederick M. Abbott carefully summarized the arguments on each side (there are good lessons here for attorneys working on the next round of legal rights objections), and the law that he was required to apply to the dispute. When Abbott turned to the reasoning behind his decision to reject Express LCC's objection to the proposed .express top-level domain, I got that sense that this panelist was a teeny bit irked that ICANN itself had not made the hard policy choices that the LRO had just dropped in his lap. It's one thing to ask a panelist to transfer a domain name that might have cost the registrant $10 or so; and it's quite another to ask a panelist to upset an investment of at least a half-million dollars in a new top-level domain. All based on a trademark registration for a generic term, in a single market, issued by a single government entity. Abbott declined to do it.

In *Express LLC v. Sea Sunset LLC*, panelist Frederick M. Abbott wrote:

> *The relative interests of trademark owners and prospective users of common terms may be sufficiently nuanced or context-sensitive that automatic or general rules would constantly be in search of exceptions, or that such rules would lead to unintended consequences. Whatever might have motivated ICANN's approach, it puts this Panel where it is now – with this Panel charged with deciding whether a trademark owner of a common dictionary or generic term used in an arbitrary way should be permitted to prevent an applicant for a new gTLD to secure that common term. The Panel ultimately decides that the trademark owner (Complainant) should not be able to prevent adoption by the applicant (Respondent) of the applied-for gTLD <.express> in the particular context presented here. While Complainant certainly owns rights in the EXPRESS trademark for use in connection with apparel and fashion accessories, and while that trademark is reasonably well known among a relevant segment of consumers in the United States,* ***there are so many common usages of the term "express" that it is not reasonable to foreclose its use by Respondent as a gTLD.*** (emphasis added)

These two opinions, taken together, look like a terminal diagnoses for trademark owners with rights in generic terms. *Right at Home* creates a very permissive standard for what constitutes "unfair advantage" by a domain applicant. *Express LLC* states, almost categorically, that it is "not reasonable" to allow a trademark owner for a generic term to prevent that term from being used as a top-level domain.

Looking to the future, it will be interesting to see how these trademark owners will fare in the other rights-protection remedies offered by ICANN.

Using EXPRESS as an example, will the owner of this mark have a good claim under the Uniform Domain Name Dispute Resolution Policy to recuperate domains that encroach on the mindshare embodied in its mark? Today, nearly all UDRP cases involve an examination of that part of the domain residing to the left of the dot. Trademark owners such as Express LLC will have to convince UDRP panelists to look at their case a little differently -- to pay more attention than usual to the string to the left of the dot. For example, would Express Ltd. have a viable UDRP claim against the registrant of <clothing.express> or <fashion.express> or <shoes.express>? It is easy to imagine many other similar sorts of claims.

The Uniform Rapid Suspension System seems unlikely to provide relief here, as does the Trademark Clearinghouse. The URS is not for novel cases, which these would be. And Express LLC doesn't have trademark rights in CLOTHING.

In the end, the most effective course for owners of generic marks could be to play the game the way ICANN wants it to be played: apply to operate a new top -level domain if you feel you must, or register as many of your marks as possible in all relevant top-level domains.

By Thomas O'Toole

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Direct-broadcast satellite

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This article **needs additional citations for verification**. Please help improve this article by adding citations to reliable sources. Unsourced material may be challenged and removed. *(May 2012)*

For the Japanese communication satellites, see Broadcasting Satellite (Japanese).

Direct-broadcast satellite (DBS) is a term used to refer to satellite television broadcasts intended for home reception.

A DTH dish antenna mounted on wall

A designation broader than DBS would be **direct-to-home** signals, or DTH. This has initially distinguished the transmissions directly intended for home viewers from cable television distribution services that sometimes carried on the same satellite. The term DTH predates DBS and is often used in reference to services carried by lower power satellites which required larger dishes (1.7m diameter or greater) for reception.

In Europe, prior to the launch of Astra 1A in 1988, the term DBS was commonly used to describe the nationally commissioned satellites planned and launched to provide TV broadcasts to the home within several European countries (e.g. BSB in the UK, TV-Sat in Germany). These services were to use the D-Mac and D2-Mac format and BSS frequencies with circular polarization from orbital positions allocated to each country. Before these DBS satellites, home satellite television in Europe was limited to a few channels, really intended for cable distribution, and requiring dishes typically of 1.2m. SES launched the Astra 1A satellite to provide services to homes across Europe receivable on dishes of just 60 cm-80 cm and, although these mostly used PAL video format and FSS frequencies with linear polarization, the DBS name slowly came to applied to all Astra satellites and services too.

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1 Terminology confusion
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Terminology confusion [edit source | edit beta]

As a technical matter, DBS (also known by the International Telecommunication Union as Broadcasting Satellite Service, or BSS) refers only to services transmitted by satellite in specific frequency bands: 11.7-12.2 GHz in ITU Region 3 (Asia, Australia), 10.7 - 12.75 GHz in ITU Region 1 (Europe, Russia, Africa), and 12.2-12.7 GHz ITU Region 2 (North and South America). In 1977, the ITU adopted an international BSS Plan under which each country was allocated specific frequencies

at specific orbital locations for domestic service. Over the years, this plan has been modified to, for example, accommodate new countries, increase coverage areas, and reflect digital (rather than analog) technology. At present, numerous countries have brought into use their BSS Plan allocations.

By contrast, DTH can apply to similar services transmitted over a wider range of frequencies (including standard K_u band and K_a band) transmitted from satellites that are not part of any internationally planned band. Nonetheless, the term DBS is often used interchangeably with DTH to cover both analog and digital video and audio services (including video-on-demand and interactive features) received by relatively small dishes (less than 1 meter). A "DBS service" usually refers to either a commercial service, or a group of free channels available from one orbital position targeting one country. In certain regions of the world, especially in North America, DBS is used to refer to providers of subscription satellite packages, and has become applied to the entire equipment chain involved.

Commercial DBS services [edit source | edit beta]

Astro satellite dishes

The second commercial DBS service, Sky Television plc (now BSkyB after its merger with British Satellite Broadcasting's five-channel network), was launched in 1989. Sky TV started as a four-channel free-to-air analogue service on the Astra 1A satellite, serving both Ireland and the United Kingdom. By 1991, Sky had changed to a conditional access pay model, and launched a digital service, Sky Digital, in 1998, with analogue transmission ceasing in 2001. Since the DBS nomenclature is rarely used in the UK or Ireland, the popularity of Sky's service has caused the terms "minidish" and "digibox" to be applied to products other than Sky's hardware. News Corporation has a 32% stake in BSkyB.

PrimeStar began transmitting an analog service to North America in 1991, and was joined by DirecTV (then owned by a division of General Motors, GM Hughes Electronics), in 1994. At the time, DirecTV's introduction was the most successful consumer electronics debut in American history. Although PrimeStar transitioned to a digital system in 1994, it was ultimately unable to compete with DirecTV, which required a smaller satellite dish and could deliver more programming. DirecTV purchased PrimeStar in 1999 and moved all PrimeStar subscribers to DirecTV equipment. In a series of transactions consummated in 2003, Hughes Electronics was spun out of GM and the News Corporation purchased a controlling interest in the new company, which was renamed The DIRECTV Group. In 2008, Liberty Media Corporation purchased News Corporation's controlling interest in DIRECTV.

In 1996, EchoStar's Dish Network went online in the United States and, as DirecTV's primary competitor, achieved similar success. AlphaStar also started but soon went under. Astro was also started, using a direct broadcast satellite system.

Dominion Video Satellite Inc.'s Sky Angel launch on a satellite platform in the United States in 1996 with its DBS service geared toward the faith and family market. It grew from six to 36 TV and radio channels of family entertainment, Christian-inspirational programming, and 24-hour news. Dominion, under its former corporate name Video Satellite Systems Inc., was actually the second from among the first nine companies to apply to the FCC for a high-power DBS license in 1981, and it was the sole surviving DBS company from the first round of applicants until the sale of their license to EchoStar Communications Corporation in 2007 and departure from satellite distribution in 2008. Sky

Angel, although a separate and independent DBS service, used the same satellites, transmission facilities, & receiving equipment used for Dish Network through an agreement with Echostar. Because of this, Sky Angel subscribers also had the option of subscribing to Dish Network's channels as well.

In 2003, EchoStar attempted to purchase DirecTV, but the FCC and U.S. Department of Justice denied the purchase based on anti-competitive concerns.

As of 2010, India has the most competitive Direct-broadcast satellite market with 7 operators vying for more than 110 million TV homes. India is set to overtake the US as the world's largest Direct-broadcast satellite market by 2012. "Thinking blue sky", *Business Today*, July 21, 2010.

Free DBS services [edit source | edit beta]

Germany is likely the leader in free-to-air (FTA) DBS, with approximately 200 digital FTA channels (including 18 HDTV channels and various regional channels) broadcast from the Astra 19.2°E satellite constellation. These are not marketed as a DBS service, but are received in approximately 12 million homes, as well as in any home using the *Sky Deutschland* commercial DBS system. All German analogue satellite broadcasts ceased on 30 April 2012.[1][2]

The United Kingdom has approximately 160 digital channels (including the regional variations of BBC channels, ITV channels, Channel 4 and Channel 5) are broadcast without encryption from the Astra 28.2°E satellite constellation, and receivable on any DVB-S-compliant receiver (a DVB-S2 receiver is required for certain HDTV services). Most of these channels are included within the Sky EPG, and an increasing number within the Freesat EPG.

India's national broadcaster, Doordarshan, promotes a free-to-air DBS package as "DD Direct Plus", which is provided as in-fill for the country's terrestrial transmission network. It is broadcast from Insat 4B at 93.5°E and contains about 57 FTA channels.

While originally launched as backhaul for their digital terrestrial television service, a large number of French channels are free-to-air on satellites at 5°W, and have recently been announced as being official in-fill for the DTT network.

In North America (US, Canada and Mexico) there are over 80 FTA digital channels available on Galaxy 19 (with the majority being ethnic or religious in nature). Other FTA satellites include AMC-4, AMC-6, Galaxy 18, and Satmex 5. A company called GloryStar promotes FTA religious broadcasters on Galaxy 19.

See also [edit source | edit beta]

- Freesat
- Television receive-only (TVRO) - early satellite equipment for broadcasts *not* intended for home reception

References [edit source | edit beta]

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External links [edit source | edit beta]

- General frequency allocation information, mainly for U.S.

v · t · e · **Telecommunications** [show]

Categories: Satellite broadcasting | Television terminology | Pay television

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The data in this whois database is provided to you for information purposes only, that is, to assist you in obtaining information about or related to a domain name registration record. We make this information available "as is", and do not guarantee its accuracy. By submitting a whois query, you agree that you will use this data only for lawful purposes and that, under no circumstances will you use this data to:
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The compilation, repackaging, dissemination or other use of this data is expressly prohibited without prior written consent from us. The Registrar of record is Register4Less, Inc..
We reserve the right to modify these terms at any time.
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Registrar: REGISTER4LESS, INC.
Whois Server: whois.register4less.com
Creation Date: 14-OCT-2004
Updated Date: 18-OCT-2012
Expiration Date: 14-OCT-2013

Nameserver: NS1.R4L.COM
Nameserver: NS2.R4L.COM

Registry Status: clientTransferProhibited

See Underlying Registry Data

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*Plus ICANN fee of $0.18 per domain name year.
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Go Daddy Global

Language: English Country: United States Currency: United States Dollar $ (Transactional)

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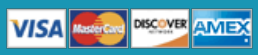

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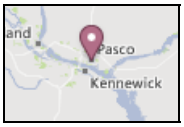

Map

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Highlights

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Call our friendly sales representatives and give them the code on the upper left hand corner of this certificate. They will be able to answer any questions that you have and assist you in getting just the right entertainment for you and your family.

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Registrant:
DishDirect, Inc.
DishDirect, Inc. DishDirect, Inc.
2515 Tarpley Rd 104
Carrollton, TX 75006
US
Phone: +1.2143908800
Email: dratcliff@dishdirect.com
Registrar Name....: Register.com
Registrar Whois...: whois.register.com
Registrar Homepage: www.register.com

Domain Name: dishdirect.com
Created on.....: 1998-12-04
Expires on.....: 2017-12-03

Administrative Contact:
DishDirect, Inc.
Dan Ratcliff
2515 Tarpley Rd #104
Carrollton, TX 75006
US
Phone: +1.2143908800
Email: dratcliff@dishdirect.com

Technical Contact:
Register.Com
Domain Registrar
575 8th Avenue
New York, NY 10018
US
Phone: 212-798-9200
Email: domain-registrar@register.com

DNS Servers:
ns1.inwebtime.net
ns2.inwebtime.net

Registrant:
DishDirect, Inc.
DishDirect, Inc. DishDirect, Inc.
2515 Tarpley Rd 104

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Domains available for new registration:

Alternate TLDs		
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dishdirect.**info**	SAVE!	$2.99*/yr
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dishdirect.**ca**		$12.99/yr
dishdirect.**me**	SAVE!	$9.99/yr
dishdirect.**mobi**	SAVE!	$9.99*/yr
dishdirect.**tv**		$39.99/yr
dishdirect.**ws**		$15.99/yr
Similar Premium Domains		
OnlineDish.com		$3,299.00*
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Domains available at Go Daddy Auctions®:

directres.com Ends on: 11/11/2013 12:00:00 AM PDT	$10,000.00*
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directaccountant.net Ends on: 10/25/2013 12:00:00 AM PDT	$1,000.00*
windish.com Ends on: 9/25/2013 4:29:00 PM PDT	$3,888.00*
maindish.net Ends on: 9/23/2013 8:06:00 PM PDT	$888.00*
cgdirect.com Ends on: 9/22/2013 7:58:00 PM PDT	$3,788.00*

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Registrar Name....: Register.com
Registrar Whois...: whois.register.com
Registrar Homepage: www.register.com

Domain Name: dishdirect.com
Created on.....: 1998-12-04
Expires on.....: 2017-12-03

Administrative Contact:
DishDirect, Inc.
Dan Ratcliff
2515 Tarpley Rd #104
Carrollton, TX 75006
US
Phone: +1.2143908800
Email: dratcliff@dishdirect.com

Technical Contact:
Register.Com
Domain Registrar
575 8th Avenue
New York, NY 10018
US
Phone: 212-798-9200
Email: domain-registrar@register.com

DNS Servers:
ns1.inwebtime.net
ns2.inwebtime.net
Visit AboutUs.org for more information about dishdirect.com

AboutUs: dishdirect.com

Registrar: REGISTER.COM, INC.
Whois Server: whois.register.com
Creation Date: 04-DEC-1998
Updated Date: 13-JUL-2012
Expiration Date: 03-DEC-2017

Nameserver: NS1.INWEBTIME.NET
Nameserver: NS2.INWEBTIME.NET

Registry Status: clientTransferProhibited

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azcentral.com video: Dish Direct - Windows Internet Explorer provided by Patton Boggs LLP

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