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February 20th, 2014

Handelsregister B
Regensburg 7142

Re: Letter of Opposition on Community Priority Evaluation for .LLC (1-880-17627)

Geschäftsführer/CEO
RA Thomas Mörz

USt-IdNr. DE199405147

Dear ICANN,

Bayerische Hypo- und
Vereinsbank AG
Konto-Nr. 344924120
BLZ 75020073

InterNetX GmbH, as the parent company of myLLC GmbH, an applicant for .LLC, would like to take the opportunity to submit a letter of opposition for the Community Priority Evaluation of Dot Registry LLC's .LLC application. Thank you for reviewing our attached statement and forwarding this document to the CPE Panel.

IBAN-Nr.:
DE27750200730344924120
SWIFT-Code:
HYVEDEMM447

Sincerely,



Thomas Mörz,

CEO of InterNetX GmbH
CEO of myLLC GmbH

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INTRODUCTION

We understand that ICANN is fully aware of the critical significance in the case of an inadequately delegated gTLD to a non-legitimate community applicant. According to the Applicant Guidebook (AGB), it “should be noted that a qualified community application eliminates all directly contending standard applications, regardless of how well qualified the latter may be. This is a fundamental reason for very stringent requirements for qualification of a community-based application....“ (AGB 4.2.3, p. 4-9)¹

Therefore, we appreciate the establishment of the Community Priority Evaluation (CPE) Panel and support a strict examination of community applications, whereby the evaluation has to be handled very precisely in order to reach ICANN’s goals for the New gTLD Program, since all the TLDs are meant to be operated in a non-discriminatory way.²

Dot Registry’s application deliberately excludes numerous companies from many countries, such as Saudi Arabia³, Dubai⁴, Egypt⁵, Vietnam⁶ and others. Entities from these countries are excluded in a discriminatory way as they indeed have the same legal form as US based companies but are not allowed to register domains within the TLD .LLC.

Concerns regarding the application of Dot Registry are known for a considerable period of time already. In August 2012 a letter was written to ICANN by US-based lawyer Shawn Gunnarson in which he emphasized that Dot Registry does not represent the community it is intending to and furthermore, that Dot Registry’s definition of the community does not combine with the reality of today’s world economy. In the end he states, that even the written endorsements are not sufficient to support Dot Registry’s application. Mr. Gunnarson’s letter is publicly available on the ICANN Website.⁷

Therefore, and for the reasons mentioned below, the Dot Registry application has to fail the CPE and should be treated as regular application according to the AGB.

¹ <https://newgtlds.icann.org/en/applicants/agb> (retrieved Februar 03, 2014)

² <https://www.icann.org/en/groups/board/documents/resolutions-new-gtld-25jun13-en.htm> (retrieved January 23, 2014)

³ http://www.sama.gov.sa/sites/samaen/ReportsStatistics/ReportsStatisticsLib/5600_R_Annual_EN_2010_11_14.pdf, p. 159, Table 12.1 (retrieved February 02, 2014)

⁴ <http://dsc.gov.ae/Reports/374181089CSFB00-06-11.pdf> (retrieved February 02, 2014)

⁵ <http://www.kpmg.com/EG/en/issuesandinsights/Documents/Issues-Insights%20PDFs/Doing%20Business%20in%20Egypt.pdf> (retrieved February 02, 2014)

⁶ http://vbqpl.moj.gov.vn/vbqpl/en/Lists/Vn%20bn%20php%20lut/View_Detail.aspx?ItemID=5953 (retrieved February 02, 2014)

⁷ <https://gtldcomment.icann.org/applicationcomment/commentdetails/1938> (retrieved February 02, 2014)

Criterion # 1: Community Establishment

In accordance with the AGB an application can score a total of 4 points in this Criteria: 2 points relating to “Delineation” and 2 for the sub-criterion “Extension”.

Definition

Following the Community Priority Evaluation Guidelines (CPEG), a “clearly delineated, organized and pre-existing community” (Criterion 1-A, CPEG, p. 3)⁸ must exist (up to 2 points), being a “community of considerable size and longevity” (Criterion 1-B, CPEG, p. 5)⁹ to score up to 4 points. Following the criteria definitions, an applicant needs a “clear and straight-forward membership definition” (Criterion 1-A, CPEG, p. 4)¹⁰ to score high, while an “unclear, dispersed or unbound definition scores low” (Id.).

Analysis

Dot Registry cannot deliver the necessary facts needed to score more than one point in this criterion. Dot Registry purports to create a community of Registered Limited Liability Corporations (LLC) limited to the borders of the US and its territories. Although the applicant mentions the existence of LLCs in other countries, it excludes these companies from his community by referring to different formation regulations in countries other than the United States (Dot Registry, Application ID: 1-880-17627, 20(d)).¹¹

The applicant obviously has also ignored the fact that even within the United States there are no homogeneous regulations regarding the formation of LLCs. Indeed there are completely different regulations in different states: In the state of Delaware is it possible to found an LLC by written notice from any place worldwide, personal presence is not required, neither is a minimum capital fund.¹² Nine out of 50 states do not collect state income tax¹³, and in Wyoming banks and insurances are not allowed to found an LLC.¹⁴

Without citing all different regulations to form LLCs within the United States it becomes clear that there are indeed tremendous differences between the different states and not only between

⁸ <http://newgtlds.icann.org/en/applicants/cpe/guidelines-27sep13-en.pdf> (retrieved January 23, 2014)

⁹ Id.

¹⁰ Id.

¹¹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1804> (retrieved February 03,2014)

¹² http://delcode.delaware.gov/title8/c001/index.shtml#P-1_0 (retrieved February 04, 2014)

¹³ <http://usgovinfo.about.com/od/incometaxandtheirs/a/nostatetax.htm> (retrieved February 02, 2014)

¹⁴ <http://legisweb.state.wy.us/statutes/statutes.aspx?file=titles/Title17/T17CH29.htm> (retrieved February 02, 2014)

the US and the rest of the world as stated by Dot Registry.¹⁵ Therefore it is not a “clear and straight forward membership definition”, even for US LLCs, as required for a high score in this point. Besides this, there is a significant number of LLCs located in countries different than the US being excluded discriminatory because of their place of origin.

Conclusion

With regard to the aforementioned information it seems that the applicant Dot Registry did not give consideration to the global use of the LLC string when defining its own community. It is obvious that a community of LLCs, if existing at all, cannot be restricted to only one country, but needs to include all companies of the same type, regardless of the jurisdiction where the company is registered. Thus Dot Registry has failed to score in the field “extension”. In light of all the significant differences of LLCs in the US, as listed in our analysis, LLCs most probably do not consider themselves as part of a community, at least not a community limited to the jurisdiction of the United States. Most probably they don’t even recognize themselves as a community at all. Dot Registry fails to show evidence of this awareness – a necessity to score.¹⁶ Therefore, the application should score very low.

Criterion # 2: Nexus between Proposed String and Community

In accordance with the AGB an application can score a total of 4 points in this Criteria; 3 for the sub-criterion “Nexus” and 1 point for “Uniqueness”.

2-A Nexus

Definition

“For a score of 3, the essential aspect is that the applied for string is commonly known by others as the identification/name of community” (Criterion 2-A, CPEG p. 8).¹⁷ The Term ‘others’ “refers to individuals outside of the community itself” (Criterion 2-A, CPEG p. 7)¹⁸ and ‘identify’ means “that the applied for string closely describes the community or the community members, without over-reaching substantially beyond the community“ (Id.). At which ‘over-reaching substantially’

¹⁵ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1804>, number 20d (retrieved January 23, 2014)

¹⁶ <http://newgtlds.icann.org/en/applicants/cpe/guidelines-27sep13-en.pdf>, page 5 (retrieved January 23, 2014)

¹⁷ <http://newgtlds.icann.org/en/applicants/cpe/guidelines-27sep13-en.pdf> (retrieved January 23, 2014)

¹⁸ Id.

means “that the string indicates a wider geographical or thematic remit than the community has“ (Id.).

CPEG states that “... for a score of 2, the applied-for string should closely describe the community or the community members, without over-reaching substantially beyond the community” (Criterion 2-A, CPEG p.8).¹⁹ Again “over-reaching substantially” means “that the string indicates a wider geographical or thematic remit than the community has“ (Criterion 2-A, CPEG p. 7).²⁰

Analysis

Issue1: “Does the string capture a wider geographical/thematic remit than the community has?” (Criterion 2-A, CPEG p.8)²¹

Dot Registry LLC’s definition of the LLC Community:

“Members of the community are defined as businesses registered as Limited Liability Companies within the United States or its territories.” (Dot Registry, Application ID:1-880-17627, 20(a))²²

- The string .LLC captures a wider geographical range, because Registered Limited Liability Corporations (abbreviated with LLC) exist also outside of the United States, for example in:
 - **Dubai**, as stated by the governmental Statistic Report:
 - <http://dsc.gov.ae/Reports/374181089CSFB00-06-11.pdf>
 - **Saudi Arabia**, as stated by the governmental Statistic Report:
 - http://www.sama.gov.sa/sites/samaen/ReportsStatistics/ReportsStatisticsLib/5600_R_Annual_EN_2010_11_14.pdf, S.159, Table 12.1
 - **Egypt**, as stated by KPMG:
 - <http://www.kpmg.com/EG/en/issuesandinsights/Documents/Issues-Insights%20PDFs/Doing%20Business%20in%20Egypt.pdf>
 - **Vietnam**, as stated by the governmental Statistic Report:
 - http://www.gso.gov.vn/Modules/Doc_Download.aspx?DocID=1871//

¹⁹ Id.

²⁰ Id.

²¹ <http://newgtlds.icann.org/en/applicants/cpe/guidelines-27sep13-en.pdf> (retrieved January 23, 2014)

²² <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1804> (retrieved January 23, 2014)

Considering the fact that “others” refers to individuals outside the community as defined by Dot Registry, it has to be noticed that the abbreviation “LLC” is surely recognized as a short form for limited liability companies in English language. Bringing into consideration that “limited liability companies” is also a generic term, describing worldwide corporate structures of similar, but not identical regulations in different jurisdictions, it is more than likely that “others” will subsume a legal entity, but most probably not the US version which the applicant sees as his community. This thesis can be underlined by the fact that LLC is a relatively new business form in the United States, although it has existed in other countries for some time.²³

Issue 2: “An Internet search should be utilized to help understand whether the string identifies the community and is known by others.” (Criterion 2-A, CPEG p. 8)²⁴

- Search engine “Google”, language settings “English”, search word “LLC” (retrieved January 31, 2014):
 - 1st hit: Wikipedia (LLC in international Law)
 - 2nd hit: Wikipedia (List of abbreviations that “LLC” stands for)
 - 3rd hit: Investopedia (Definition of this Corporate Structure)
 - 4th hit: Guide “How to form an LLC”
 - 5th hit: Definition and Guide “How to form an LLC”
 - 6th hit: Oxford Journal – Literary and Linguistic Computing
 - 7th hit: U.S. Small Business Administration
 - 8th hit: Reference to a Company with the legal form LLC
 - 9th hit: Chrysler Group LLC (Company Homepage)
 - 10th hit: Simple Scalar LLC (Company Homepage)
- Search engine “Google”, language settings “German”, search word “LLC” (retrieved January 31, 2014):
 - 1st hit: Wikipedia (LLC in international Law)
 - 2nd hit: Wikipedia (List of abbreviations that “LLC” stands for)
 - 3rd hit: Wikipedia (LLC in international Law)
 - 4th hit: LLC Marathon Regensburg e.V.
(German Association Homepage)
 - 5th hit: Jura Forum (German Law Forum)

²³ <http://legal-dictionary.thefreedictionary.com/Limited+Liability+Company> (retrieved February 03, 2014)

²⁴ <http://newgtlds.icann.org/en/applicants/cpe/guidelines-27sep13-en.pdf> (retrieved February 03, 2014)

- 6th hit: Oxford Journal – Literary and Linguistic Computing
- 7th hit: U.S. Small Business Administration
- 8th hit: Degree Program
“Master of Arts Linguistic and Literary Computing”
- 9th hit: Definition and Guide “How to form an LLC”
- 10th hit: Investopedia (Definition of this Corporate Structure)
- Search engine “Google”, language settings “English”, search word “Limited Liability Company” (retrieved January 31, 2014):
 - 1st & 2nd hit: Wikipedia
 - 3rd hit: Investopedia (Definition of this Corporate Structure)
 - 4th hit: U.S. Small Business Administration
 - 5th hit: Definition and Guide “How to form an LLC”
 - 6th hit: Definition
 - 7th hit: Definition
 - 8th hit: Internal Revenue Service
 - 9th hit: Guide “How to form an LLC”
 - 10th hit: Definition

These Internet searches demonstrate that the string “LLC” does not “identify” a discrete community contrary to what Dot Registry LLC has claimed. The first hits contain information about LLCs in several countries or about websites that have little or nothing to do with registered corporations at all. Third parties do not automatically associate the string with the self-defined “Dot Registry community”. The applicant states: “.LLC was chosen as our gTLD string because it is the commonly used abbreviation for the entity type that makes up the membership of our community. In the English language Limited Liability Company is primarily shortened to LLC when used to delineate business entity types.”²⁵ The applicant simply disregards the fact, that the Internet is not US or English focused only, but a global resource. Especially the received results from “non-English” language researches show several non US-connected results for the string “LLC” as an abbreviation. The panel should take that fact into serious consideration.

²⁵ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1804>, chapter 20(d) retrieved January 23, 2014)

Further consideration:

According to the experts of the International Chamber of Commerce, in charge of judging “community objections”²⁶ in the self-same application process, the evaluations of objections and community status share “common concepts ... (such as community establishment and nexus between the string and the community)”, even though the “standards are stricter” with community status evaluation through EIU (ICC Case No. EXP/507/ICANN/124, p. 11).²⁷ Therefore, there is at least to be drawn an analogy to a similar case (.insurance), where the US-based P&C Insurance claimed to be the string related community. The ICC panel has concluded in its evaluation process, that the “narrowness with which this community has been defined renders it very difficult to accept, that a global public (even restricted to English speaking countries) strongly associates the term insurance with the geographically-bound community of US P&C Insurances” (Id., p. 25).²⁸

Conclusion

Dot Registry’s community application for .LLC does not satisfy this criterion sufficiently to earn 3 points, or even 2. ‘Others’ do not naturally associate the string .LLC with the community as defined by Dot Registry. The string .LLC as a corporate identifier has a wider geographical range than the self-defined community claimed by Dot Registry which is geographically limited to the United States. Therefore, .LLC as a generic string whose accepted meaning by global users of the Internet far exceeds the community Dot Registry’s application asserts.

Like .INSURANCE, INC is not a unique US legal form. It is internationally used but understood somewhat differently in particular regions. The string LLC is not “commonly known by others” to refer to the community Dot Registry has defined. For that reason, the application should receive 0 points for the criterion of nexus.

²⁶ <http://newgtlds.icann.org/en/applicants/agb/objection-procedures-04jun12-en.pdf>, Applicant Guidebook Module 3.2.1 (retrieved January 23, 2014)

²⁷ <http://newgtlds.icann.org/sites/default/files/drsp/17jan14/determination-2-1-1512-20834-en.pdf> (retrieved January 23, 2014)

²⁸ Id.

2-B Uniqueness

Definition

To achieve a score of 1, CPEG requires that the “string has no other significant meaning beyond identifying the community described in the application” (Criterion 2-B, CPEG p. 8).²⁹ CPEG further defines “significant meaning” to mean the “public in general” (Criterion 2-B, CPEG p. 9).³⁰

Analysis

Applying the CEPG, the following questions need to be considered:

Issue 1: “Will the public in general immediately think of the applying community when thinking of the applied-for string?” (Id.)

- No, the public will not immediately think of the community as defined by Dot Registry. CPE Guidelines refer to a worldwide public, not only a user base limited to the United States. For evidence please consider the analysis for criterion # 2-A.

Issue 2: “Is the geography or activity implied by the string?” (Id.)

- The string .LLC has no unique connection to any geographic identifier. For evidence please consider the analysis above.

Issue 3: “Is the size and delineation of the community inconsistent with the string?” (Id.)

- As outlined in our Analysis # 2-A above, the string LLC does not signify a distinctly delineated community. Dot Registry has defined and restricted his community in particular to reduce its own efforts with no evident concern for the global body of existing LLCs.

Conclusion

The abbreviation “LLC” does not uniquely identify the community as described by Dot Registry’s application. It should score 0 out of 4 points.

²⁹ <http://newgtlds.icann.org/en/applicants/cpe/guidelines-27sep13-en.pdf> (retrieved January 23, 2014)

³⁰ Id.

Criterion # 3: Registration Policies

In accordance with the AGB an application can score a total of 4 points for this criterion, 1 point each for Eligibility, Name Selection, Content and Use and Enforcement.

Definition

“An applicant for a community-based gTLD is expected to: [...] 3. Have proposed dedicated registration and use policies for registrants in its proposed gTLD....” (AGB 1.2.3.1. Definitions, p. 1-27)³¹

Analysis

The requirement of “dedicated registration and use policies” requires a community applicant to provide a complete set of policies instead of a draft version of intensions (as provided by Dot Registry) to gain the exclusive right to administrate the respective string as a community-based gTLD.

Based on criterion 3 of the CPEG, a successful community applicant needs to conform to the criteria of 1) eligibility, 2) name selection, 3) content and use and 4) enforcement. All together these criteria need to be included as policies in paragraph 20(e) of the New gTLD application submitted to ICANN. A complete set of policies must be included, as they would appear on the website of the successful community-based gTLD applicant.

Criterion 3 of the Community Priority Evaluation Criteria claims that eligibility to become a registrant needs to be restricted. This means that policies of community-based applications require an explicit passage (preferentially in the beginning of the policy set) which defines who could become a registrant of the respective gTLD. This part is clearly missing in the policies provided by Dot Registry in chapter 20(e) of its LLC application (Dot Registry, Application ID: 1-880-17627, 20(e)).³² Although the applicant mentions “LLC” in several parts of chapter 20(e), it does not provide a specific definition of eligible registrants. The applicant only mentions in other parts of the application that it is referring to registered corporations in the USA, but does not state so in its registration policies in chapter 20(e). Although, naturally, a policy set for restricted gTLDs needs a definition of the possible registrants (which by the way is also a procedure executed by already existing restricted gTLDs like .museum or .aero).

³¹ <https://newgtlds.icann.org/en/applicants/agb> (retrieved January 23, 2014)

³² <https://gtdresult.icann.org/application-result/applicationstatus/applicationdetails/1804>, chapter 20(e) (retrieved January 23, 2014)

Furthermore, community applicants are asked to include content and use policies in their applications defined as “restrictions stipulated by the registry as to the content provided in and the use of any second-level domain name in the registry” (Criterion 3-C, CPEG p. 13).³³ Regarding this point the applicant failed to deliver clear policies. There are no unique policies, which deal with the aspects of content and use. Only at the end of question 20(e), which focuses on enforcement policies, a few aspects regarding content are mentioned. However, Dot Registry mentions no explicit policies which would fulfill the “very stringent requirements for qualification“, neither the inclusion of those aspects into a different policy string could be considered a “dedicated registration and use” policy.

Conclusion

The application for LLC leaves out necessary ingredients of registration policies that conform with the New Registry Application and the AGB. Moreover, only intentions are provided not the requested policies. The application should therefore score no more than 2 points here.

Criterion # 4: Community Endorsement

In accordance with the AGB an application can score between 0 and 4 points for this criterion, including a score of 2 points for each sub-criterion (Support and Opposition).

Definition

With respect to “Support”, the applicant can score a maximum of 2 points if they prove “documented support from the recognized community institution(s)/member organization(s) or has otherwise documented authority to represent the community” (Criterion 4-A, CPEG p. 16).³⁴

The Guidelines clarify the requirements:

“Is the applicant the recognized community institution or member organization?”

To assess this question, it has to be considered, “whether the community institution or member organization is the clearly recognized representative of the community” (Id.).

If not, it has to be considered, “whether there is more than one recognized community institution or member organization” (Id.). “Recognized means institution(s)/organization(s) that, through

³³ <http://newgtlds.icann.org/en/applicants/cpe/guidelines-27sep13-en.pdf> (retrieved January 23, 2014)

³⁴ id.

membership or otherwise are clearly recognized by the community members as representative of that community“ (Criterion 4-A, CPEG p. 17).³⁵

If the applicant could not prove to represent itself, CPEG demands that the applicant has “documented support from the recognized community institution(s)/member organization(s) to represent the community“ (Criterion 4-A, CPEG p. 16).³⁶ This could be irrelevant if the applicant itself has “documented authority to represent the community“ (Id.).

Analysis

Doubtlessly, Dot Registry, even though being an LLC itself³⁷, does not have the authority to represent the community of all entities organized as limited liability partnerships, neither the self-declared US community, nor the implicated worldwide LLC community. As to the latter, it does not even claim to.

Therefore, in a second step the panel has to analyze the documented support. If it is provided from “at least one group with relevance” (Id.), this may allow a score of 1, but does not suffice for a score of 2. The Guidelines further state with respect to “Support,” that if there would be proven support from “the only national association relevant to a particular community on a national level” (Criterion 4-A, CPEG p. 17)³⁸, it “would score a 2 if the string is clearly oriented to that national level, but only a 1 if the string implicitly addresses similar communities in other nations” (Id.).

Dot Registry provides several letters including those of 15 Secretaries of State, three from registered Limited Liability Corporations (LLCs) and two from NASS, the National Association of Secretaries of State. All of these letters are from an US origin. As mentioned before, the string addresses similar communities in other nations but the applicant does not have an endorsement from a single LLC outside the US. Furthermore, neither the Secretaries of State as a group nor the NASS recommend Dot Registry as the only possible applicant for becoming the registry of a corporate identifier TLD.³⁹ They just refer to the importance of explicit policies regarding the ability to register a domain name to prevent confusion and distrust amongst consumers and future registrants.

³⁵ Id.

³⁶ Id.

³⁷ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1804>, chapter 20 (b)

³⁸ Id.

³⁹ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadattachment/141590?t:ac=1804> (retrieved February 03, 2014)

Considering Dot Registry's own statement (Dot Registry, Application ID: 1-880-17627, 18(b))⁴⁰, in the majority of the 50 states of the US, Secretaries of State are the relevant authorities to register business entities. Assuming this as correct, Dot Registry has not even shown to have support from at least 1/3 of the self-defined "relevant authorities", having presented letters of support from only 15 different Secretaries of State in the US.

In fact it has to be doubted, that Secretaries of State even "represent" this US community at all. It is mandatory for an entity in several US states to register with a Secretary of State, but this does definitely not signify, that these Secretaries are in a position to "speak" for these companies, same as tax authorities cannot do so, only because it is mandatory for the entities to pay taxes with them.

The requirement that "institution(s)/organization(s) representing a majority of the overall community addressed" (Criterion 4-A, CPEG p. 16)⁴¹ fails by far. As stated in the CPE Guidelines, "a 0 will be scored on 'support' if the applicant fails to provide documentation showing support from recognized community institutions/community member organizations or does not provide documentation showing that it has the authority to represent the community" (Criterion 4-A, CPEG p. 18).⁴²

Conclusion

Dot Registry can neither prove support from the majority of the relevant community institutions/members nor that it has the authority to represent the community. Therefore it should score 0 points for this criterion.

Overall Conclusion

Based on the aforementioned analysis, we consider the Dot Registry application for LLC a case of "false-positive" as defined in module 4.2.3 of the AGB—a string sought by an applicant who "refers to a 'community' construed merely to get a sought-after generic word as a gTLD string." (AGB 4.2.3, p. 4-9)⁴³ Dot Registry admits in its application that the string LLC describes organizations all around the world. Yet it decided to apply for „.LLC“ instead of „.LLCUSA“, addressing the national level of the applied for US registered community. Considering that a

⁴⁰ <https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/1804>, chapter 18 (b)

⁴¹ <http://newgtlds.icann.org/en/applicants/cpe/guidelines-27sep13-en.pdf> (retrieved January 23, 2014)

⁴² Id.

⁴³ <https://newgtlds.icann.org/en/applicants/agb/string-contention-procedures-04jun12-en.pdf> (retrieved February 03, 2014)

positive CPE excludes all other applications, ICANN has thoughtfully implemented the Criteria and Guidelines in the AGB in order to give maximum transparency to this economically important issue (not only to the competing applicants but also to the community). Applying those standards to Dot Registry's application for LLC, it is obvious that Dot Registry has not provided sufficient evidence to score for a positive CPE. Additionally the Dot Registry community application for .LLC fails to match the fundamental principles of ICANN's New gTLD Program as pointed out, amongst others, in the ICANN bylaws⁴⁴ as well as in the Approved Resolution of the NGPC in realization of the GAC Beijing advice.⁴⁵ Because Dot Registry's application for LLC should fail CPE, it should compete as a standard application on the same terms with all other applications for LLC in the contention set.

Sincerely,

A handwritten signature in blue ink, appearing to read 'T. Mörz', with a stylized flourish at the end.

Thomas Mörz,

CEO of InterNetX GmbH
CEO of myLLC GmbH

⁴⁴ <http://www.icann.org/en/about/governance/bylaws> (retrieved January 23, 2014)

⁴⁵ <https://www.icann.org/en/groups/board/documents/resolutions-new-gtld-25jun13-en.htm> (retrieved January 23, 2014)