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Our File No. 136395

December 20, 2017

Via Overnight Mail

John O. Jeffrey, Esq.
ICANN
12025 Waterfront Drive
Suite 300
Los Angeles, CA 90094

Re: *Draft RSEP for Single and Double Character Domain Names In .Com and .Net*

Dear Mr. Jeffrey:

This firm is legal counsel for Verandaglobal.Com, Inc. d/b/a First Place Internet, Inc. ("First Place Internet"). First Place Internet is the owner of, among other registered trademarks, the registered United States trademark "1" for "Computer services, namely, providing search engines for obtaining data on a global computer network" (U.S. Reg. No. 3,618,106). First Place Internet is also the registrant for the IDNs for "1.com" in both the Japanese (.コム or .xn--tkwe) and Korean (.닷컴 or xn--mk1bu44c) translations.

It has come to our attention through public filings that Verisign intends to auction off the single character domain name ("SCDN") "O.Com" as a trial offering for SCDNs in the .com and possibly.net domain spaces. We understand further that to date ICANN has posited no concerns regarding Verisign's RSEP for offering the "O.Com" domain through auction other than referring the matter to the United States Department of Justice ("DOJ") due to issues regarding potential competition. Through letter dated December 14, 2017, Mr. Aaron Hoag, Chief, Technology and Financial Services Section, Antitrust Division of the DOJ, indicated that the Antitrust Division does not intend to open an investigation into the proposed auction.

First Place Internet is greatly concerned that Verisign's RSEP proposal for offering "O.Com" contains no Rights Protection Mechanisms ("RPMs"). Most troublingly, the RSEP denies Sunrise Registration protection to potential brand owners. Registry operators subject to the Trademark Clearinghouse are required to offer a Sunrise period of at least thirty (30) days. See <https://www.icann.org/resources/pages/sdrp-2013-10-31-en>. To this end, Verisign offered a Sunrise period for both the Japanese and Korean IDNs of ".com". Verisign should not be permitted to offer any SCDN in .com or .net without similar RPMs.



MR. JOHN O. JEFFREY, ESQ.
DECEMBER 20, 2017
PAGE 2

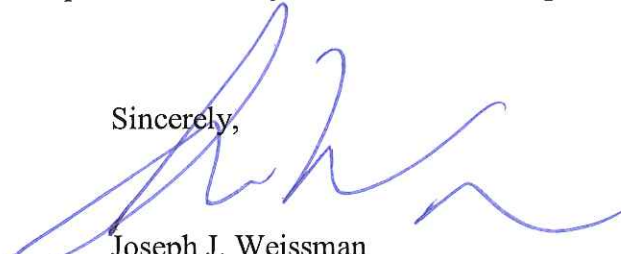
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Verisign has already committed itself to not offering marks registered to others in an IDN domain without first offering the domain to the IDN registrant. In its "Between the Dots" publication of July 12, 2013, Verisign Senior Vice-President and General Manager of Naming Services Pat Kane promised on behalf of Verisign that "a registrant of an IDN.com or IDN.net or registrant in one of our new IDN TLDs will have the sole right, subject to applicable rights protection mechanisms, but not be required to register the same second level name across all or any of our IDN TLDs, including .com or .net TLD as applicable." To make clear that this would apply to the general .com domain, Verisign included the following illustration: "John Doe registers a second level domain name in our Thai transliteration of .com but in no other TLD. That second level domain name will be unavailable in all other transliterations of .com IDN TLDs *and in the .com registry* unless and until John Doe (and only John Doe) registers it in another .com IDN TLD or in the .com registry." (emphasis added).

Although First Place Internet has no interest in the "O.Com" domain, Verisign's requested auction sets a dangerous precedent contrary even to Verisign's prior representations. ICANN recently indicated that "the release of single character .NET domain names ... would be managed via an RSEP and not the Registry Agreement Renewal Process." To this end, First Place Internet sent Verisign a proposed RSEP back on September 21, 2017. A copy of this proposed RSEP accompanies this letter. First Place Internet's proposed RSEP adopts the Trademark Clearinghouse and properly protects the rights of trademark owners. Unfortunately, Verisign has not replied to First Place Internet other than to express alleged confusion as to why First Place Internet sent its draft RSEP to Verisign in the first place.

First Place Internet respectfully requests that the RSEP for auctioning "O.Com" not be permitted, at least in its current form. It is imperative that any release of SCDNs protect the rights of brand owners.

Sincerely,



Joseph J. Weissman

Enclosure

cc: Thomas Indelicarto, Verisign, Inc. (by overnight mail)
Aaron D. Hoag, Esq. (by overnight mail)

/pt

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Our File No. 136395

September 21, 2017

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Mr. Thomas Indelicarto
Executive Vice President, General Counsel and Secretary
Verisign, Inc.
Verisign Worldwide Headquarters
12061 Bluemont Way
Reston, VA 20190

Re: *Draft RSEP for Single and Double Character Domain Names In .Com and .Net*

Dear Mr. Indelicarto:

I am legal counsel for First Place Internet, Inc. I write to follow up on an email my client's representative, Bill Blackwood, sent you on August 24, 2017. I tried contacting you over the past several weeks to follow up on my client's email, both by phone and by email, but received no response.

ICANN has indicated that "the release of single character .NET domain names ... would be managed via an RSEP and not the Registry Agreement Renewal process." As Mr. Blackwood indicated in his email to you, we have prepared a draft RSEP for the release of single and double character domain names in .com and .net for your review and consideration in the hope that Verisign would submit an RSEP to ICANN. A copy of the draft RSEP along with a summary thereof is enclosed with this letter. I remain more than happy to send you electronic copies of these documents by email as well.

I would appreciate if you would please review the draft RSEP and contact me to discuss it. I look forward to hearing from you.

Sincerely,

Joseph J. Weissman

/pt
Enclosure
4222526

RSEP Summary

Release of Single and Two Character Domain Names in .net and .com

Business Description and Background

1. ICANN has stated that an RSEP is the appropriate process for authorizing the release of single character domain names and that RPMs may be implemented via an RSEP:

"ICANN acknowledges the comments concerning the International Domain Names ("IDN's") and release of single character .NET domain names As for the release of single character .NET domain names this would be managed via an RSEP and not the Registry Agreement Renewal process."

"In the case of the proposed renewal of the .NET Registry Agreement, as well as other legacy gTLD, there is nothing restricting Registry Operators from imposing additional rights protection mechanisms ... through the Registry Services Evaluation Policy (RSEP) Process."

Link: <https://www.icann.org/en/system/files/files/report-comments-net-renewal-13jun17-en.pdf>

2. Approved and published VeriSign policy provides that existing registrants of transliterated .net and .com gTLD names (.코름, .닷컴, and .닷넷) have priority for registration of matching corresponding .net and .com names, and vice versa.
3. Provisioning will follow established gTLD processes and RPMs, including TMCH Requirements:
 - a. Sunrise Period: End-Date Sunrise of 60 days; valid SMD file required; exclusive priority given to existing registrants of corresponding transliterated .net and .com IDN names.
 - b. Priority Access Period: 60 days; priority given to existing registrants of corresponding transliterated .net and .com IDN names, if those names are still available
 - c. General Registration Period: Immediately following Priority Access Period
 - d. Trademark Claims Period: Start immediately following Priority Access Program Period; approximately 90 days.

Technical Description and Related Issues

1. Technical concerns regarding the release of single and two character second level domain names have been resolved for approximately 10 years.
2. Many other registries have successfully released single and two character domain names.
3. Processes developed and implemented for release of new gTLDs, including RPMs, can and should be applied to .net and .com single and two character domain names.

Contractual Provisions

Existing .net and .com Registry Agreements would be modified as follows:

1. Allow release of single and two character domain names.
2. TMCH Requirements will be applied to the release of single and two character domain names, excluding TMCH launch programs or promotion provisions.

Proposed Service

Name of Proposed Service:

Single Character Release Proposal - .NET and .COM

Technical description of Proposed Service:

Certain single and two character second-level domain names within the .net and .com registries are currently listed as reserved, as stated in the Schedule of Reserved Names (Appendix 6, Section B) in the .Net Registry Agreement, dated July 1, 2017, by and between ICANN and VeriSign, Inc., (the ".Net Agreement"), and in the Schedule of Reserved Names (Appendix 6, Section B) in the .Com Registry Agreement, dated December 1, 2012 and amended October 20, 2016, by and between ICANN and VeriSign, Inc., (the ".Com Agreement") (together, "the Agreements"). Several single and two character second-level domain names (e.g., q.net) were registered in the .net and .com registries prior to this restriction. These names have been "grandfathered" and are considered an exception to the reservation practice.

Over the years, there has been considerable interest within the Internet community in removing the restrictions on single and two character domain names. As part of the new gTLD process, the ICANN Generic Names Supporting Organization ("GNSO") formed a Reserved Names Working Group which studied, among other things, the initial reasons for the restriction of single and two character domain names and the feasibility of permitting the registration of such domain names. As stated in the GNSO's Reserved Names Working Group Final Report, dated 23 May 2007 ("RN-WG Report"), "[it] appears that the original purpose for reserving the single characters was driven by technical concerns," which the Report concluded were no longer applicable. In light of this conclusion, the RN-WG Report recommended "that single letters and digits be released at the second level in future gTLDs, and that those currently reserved in existing gTLDs should be released." All constituencies within the GNSO support the registration of single character domain names. The RN-WG Report may be found at <http://gnsso.icann.org/issues/new-gtlds/final-report-rn-wg-23may07.htm>.

Single and two character domain names could be very popular due to their simplicity, relative scarcity and currently perceived demand. As a result, there have been numerous discussions within the Internet community regarding appropriate methods for releasing single and two character domain names to the public in all TLDs that currently restrict their allocation. Most gTLDs currently make two character domain names available for registration. In addition, certain ccTLDs currently make both single and two character domain names available for registration.

The proposed services would not impact the functionality, methods, procedures or specifications for the existing registration of domain names. The proposed services simply would allow the registration of single and two characters as domain names, which presently are reserved. The proposed services would not have an impact on the

security or stability of the DNS, nor on the price paid to the registry for the registration of domain names.

ICANN has approved similar services for the .biz, .pro, .cat, .travel, .mobi, .coop, .jobs, .org and .name, among other registries. For example, with respect to .biz, ICANN approved the release of single and two character domain names, allocated in part by auction, with the proceeds of the auction being used to promote the .biz gTLD. In addition, ICANN specifically found that the .biz and similar registry proposals did not raise any stability, security or competition concerns.

Finally, the proposed method of allocating single and two character domain names (as further described herein) is necessary because, unlike other domain names, there is an extremely limited number of single and two character domains. Because of the limited number of these domains, particular efforts must be taken to protect fairness and to respect intellectual property rights. Assigning registration priority to trademark owners and holders of labels in corresponding transliterated IDN gTLDs, is core to the processes and policies developed collaboratively by the Internet community for new gTLDs. Those guiding principles and rights protection mechanisms for intellectual property owners ("Rights Protection Mechanisms" or "RPMs") guide this proposal.

Consultation

Please describe with specificity your consultations with the community, experts and or others. What were the quantity, nature and content of the consultations?:

- a. If the registry is a sponsored TLD, what were the nature and content of these consultations with the sponsored TLD community?

Not Applicable

- b. Were consultations with gTLD registrars or the registrar constituency appropriate? Which registrars were consulted? What were the nature and content of the consultation?

VeriSign has had consultations with registries, registrars, and potential registrants. For example, registrars and registrant customers of registrars have expressed interest in registering single and two character domain names in open forums. In addition registrars and registrants have approached VeriSign to determine the feasibility of releasing single and two character domain names specifically and reserved names in general for registration and the steps required for such a release. These consultations also included discussions regarding various approaches for the allocation of single and two character domain names. While several registrars have expressed positive interest in the offering, the release of single and double character .net domain names has not been officially endorsed by the Registrar Stakeholders Group.

VeriSign also consulted actively with other members of the GNSO, including the Reserved Names Working Group. The gTLD Registry Constituency ("RyC") is in support of the release of single character domain names as long as the implementation is appropriate and permitted to be unique for each registry. The RyC statement can be found at: <https://forum.icann.org/lists/allocationmethods/pdf2UZOXFX3yL.pdf>. By now, in fact, most registries have already implemented release of single and two character domain names.

- c. Were consultations with other constituency groups appropriate? Which groups were consulted? What were the nature and content of these consultations?

VeriSign actively participated in GNSO work, including the evaluations made by the Reserved Names Working Group where all of the constituencies recommended that single and two character domain names should no longer be reserved.

VeriSign also participated in the GNSO New TLDs Committee, as noted above, which formed key recommendations on RPM implementation and avoidance of confusion in similar character strings.

- d. Were consultations with end users appropriate? Which groups were consulted? What were the nature and content of these consultations?

Although VeriSign has not conducted formal consultations with end users, consultants have approached VeriSign in an informal manner on behalf of their clients who wish to register single and two character domain names. Since many of these consultants favor the release of single and two character domain names in the .net and .com registries, as well as other gTLD registries, they were active in the new gTLD process, including providing input to the Reserved Names Working Group. It has also been noted in ICANN communications that end users have contacted ICANN regarding the release of single and two character domain names.

VeriSign has also consulted actively with end users via its blog and Facebook regarding its IDN implementation plans.

- e. Who would endorse the introduction of this service? What were the nature and content of these consultations?

The GNSO Council, by a super majority vote, approved the recommendations sent to the ICANN Board for the introduction of new gTLDs. In so doing, the GNSO Council endorsed the recommendations of the Reserved Names Working Group set forth in the RN-WG Report, which included the following recommendations: (i) single character domain names not be reserved at the second level in future gTLDs; (ii) those currently

reserved in existing gTLDs be released; (iii) registries be permitted to release any combination of two letter and/or digit strings provided that measures to avoid confusion with any corresponding country codes are implemented.

The public comment period on potential allocation methods for single character domain names at the second level ran from October 16 to December 15, 2007. ICANN received 36 public comments. None of the comments contained any significant objection to the removal of the reservation of single character domain names at the second level for gTLD registries.

As noted earlier, the gTLD Registries Constituency has communicated support for lifting the reservations of single character domain names provided a 'one-size fits all' approach is not imposed on all gTLD registries. VeriSign has participated in discussions with interested parties that included representatives from a variety of GNSO constituencies. In approving the recommendations for the introduction of new gTLDs, the GNSO Council also endorsed RPMs for trademark holders and the RyC recommendations safeguarding against confusion.

- f. Who would object to the introduction of this service? What were (or would be) the nature and content of these consultations?

Given the lack of objection to similar proposals by other gTLD registries, VeriSign is unaware of any potential opposition to the introduction of the proposed services.

Timeline

Please describe the timeline for implementation of the proposed new registry service:

At this time, VeriSign does not have a specific implementation date for the proposed services. VeriSign would, however, provide registrars with a minimum of 60 days notice prior to beginning the allocation process.

Business Description

Describe how the Proposed Service will be offered:

The proposed registry services cover single and two character domain names in the .net and .com registry. The registry will register these domain names in the manner in which it registers other domain names. In addition, the registry will initially allocate domain names as described below:

Background:

In 2010, VeriSign proposed the release of single and two character label domain names in ICANN Registry Request Service Ticket, Ticket ID: X2A2P-4O7C4, link: <https://www.icann.org/en/system/files/files/verisign-request-12aug10-en.pdf>. Since

2010, much work has been done in developing policies and procedures for the launch of new gTLDs that present many of the same issues regarding the release and allocation of potentially valuable single character label domain names. Those policies, procedures, and lessons learned form the basis of this instant proposal.

Core to the new gTLD procedures are Rights Protection Mechanisms guaranteeing first priority for intellectual property owners (trademark holders) via the trademark clearinghouse requirements ("Trademark Clearinghouse Requirements" or "TMCH Requirements"). Avoiding confusion is of paramount importance, especially among transliterated IDN gTLDs designed specifically to be phonetically similar to their .net and .com counterparts.

In 2017, ICANN acknowledged this issue and suggested the RSEP process as a solution:

"ICANN acknowledges the comments concerning the International Domain Names (IDNs) and release of single character .NET domain names As for the release of single character .NET domain names this would be managed via an RSEP and not the Registry Agreement Renewal process."

and

"In the case of the proposed renewal of the .NET Registry Agreement, as well as other legacy gTLD, there is nothing restricting Registry Operators from imposing additional rights protection mechanisms ... through the Registry Services Evaluation Policy (RSEP) Process".

Link: <https://www.icann.org/en/system/files/files/report-comments-net-renewal-13jun17-en.pdf>

Consistent with these statements, it is necessary to apply RPMs such as those contained within the TMCH Requirements to legacy .net and .com gTLDs via RSEP.

Further, the RyC, in which VeriSign was a leading participant, made key recommendations in the new gTLD Final Report - Introduction of New Generic Top-Level Domain, Part A and Part B ("New gTLD Final Report"), which may be found here: <http://gnso.icann.org/en/issues/new-gtlds/pdp-dec05-fr-partb-01aug07.htm> & <https://gnso.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm>

"Recommendation 2

Strings must not be confusingly similar to an existing top-level domain.

This recommendation is especially important to the RyC. At least one gTLD registry has already received a customer service call that

demonstrates user confusion with regard to an IDN version of an existing gTLD using an alternate root. It is of prime concern for the RyC that the introduction of new gTLDs results in a ubiquitous experience for Internet users that minimizes user confusion. gTLD registries will be impacted operationally and financially if new gTLDs are introduced that create confusion with currently existing gTLD strings or with strings that are introduced in the future.

It is of prime concern for the RyC that the introduction of new gTLDs results in a ubiquitous experience for Internet users that minimizes user confusion"

Importantly, VeriSign designed its new IDN gTLD, .xn--tckwe, (.xn--tckwe) to sound phonetically identical to its .com TLD. Verisign even implemented advertising urging registrants to "get the .com you know (in Japanese)". Link: https://www.verisign.com/en_US/domain-names/japanese-com-domain-names/index.xhtml

Given the designed phonetic similarity among VeriSign's new IDN gTLDs and the strong RyC recommendations above, VeriSign included in its IDN Implementation Plans illustrated Use Case No. 2, which provides for exclusive and sole rights in matching new IDN registrations to existing .com and .net registrants (and vice versa): <https://www.icann.org/en/system/files/correspondence/kane-to-willett-11jul13-en.pdf>

To prevent the end-user confusion that concerned the RyC following ICANN's New gTLD Final Report, VeriSign's allocation process employs its IDN Implementation Plans with applicable Rights Protection Mechanisms and assigns first priority to trademark owners and registrants of existing matching domain names in its corresponding transliterated IDN gTLDs. VeriSign has explained as follows:

"Recently, Verisign announced details about our IDN.IDN implementation plans. Through this approach, a registrant of an IDN.com or IDN.net or registrant in one of our new IDN TLDs will have the sole right, subject to applicable rights protection mechanisms, but not be required to register the same second-level domain name across all or any of our IDN TLDS, including .com or .net TLD as applicable."

Link: <https://blog.verisign.com/domain-names/update-on-verisigns-idn-implementation-plans/>

The Japanese transliterated .com IDN gTLD was promoted to end users on social media using the "ubiquitous experience" concept developed in concert with the RyC in the GNSO process (as noted in subparagraph b. above):

“.コム, The .com you know now in Japanese – Verisign. If your business name or website uses local language characters, then your Web address should too. Get the .com you know, now in Japanese.”

Link:

https://www.facebook.com/Verisign/posts/1050230635018084?comment_tracking=%7b%22tn%22%3A%22O%22

To date, VeriSign has released Japanese IDN gTLD .コム domain names that commenced with a Start-Date Sunrise period on December 9th, 2015, and successfully completed registrations of at least ten Sunrise Period single character .コム domain name registrations. Approximately five months later, VeriSign released its Korean IDN gTLD .닷컴 and successfully completed registrations of at least ten Sunrise Period single character .닷컴 domain name registrations. Published VeriSign policy, based on consensus-developed and approved procedures, states that holders of these transliterated .com IDN domain names will have the sole right (but not the obligation) subject to applicable RPMs to register the same corresponding .com domain names. The same is true of .net transliterated IDN TLDs.

Provisioning:

Through the new gTLD processes, involving all constituencies, there emerged a provisioning and allocation methodology that was deemed fair that is readily applicable to the release and allocation of single and two character domain names in the .net and .com registries. This provisioning method will use Rights Protection Mechanisms and TMCH Requirements developed for the new gTLDs, which may be found at: <https://www.icann.org/resources/pages/tmch-requirements-2014-01-09-en>

Implementation of this process will be accomplished in several stages involving registration periods as follows:

Sunrise Period: End-Date Sunrise of at least 60 days (“End-Date Sunrise Period”)

Priority Access Period: Approximately 60 days

General Registration Period: Start immediately following Priority Access Program Period

Trademark Claims Period: Start immediately following Priority Access Program Period, lasting approximately 90 days

The End-Date Sunrise Period will be accessible only to prospective registrants with a valid Signed Mark Data (“SMD”) file from the Trademark Clearinghouse. Within the

End-Date Sunrise Period, first registration priority will be provided exclusively to existing registrants of .ㄱㅓ, .닷컴, or .닷넷 single character IDN gTLD domain names for the sole right to register their matching single character domain names in .com or .net TLDs as applicable, according to the following:

Registrants of a second-level domain name (in ASCII or IDN script) in a transliterated IDN .net or .com top-level domain that registered their domain name prior to the start date of the End-Date Sunrise Period (the "Existing Sunrise Second Level Domain Name") and that have held the registration of the Existing Sunrise Second Level Domain Name for longer than the Add Grace Period (e.g., the Add Grace Period for .com registry is five calendar days), shall have the exclusive right during the End-Date Sunrise Period to register the exact match of the Existing Sunrise Second Level Domain Name (the "Matching Second Level Domain Name") in .net or .com (as applicable), assuming (i) such Matching Second Level Domain Name is available for registration during the End-Date Sunrise Period; and (ii) such Matching Second Level Domain Name is registered through a registrar that is the same registrar-of-record for the Existing Sunrise Second Level Domain Name

For example, Veronica holds a valid SMD file for the single label character "V". Veronica also holds a valid registration for the domain name V.ㄱㅓ. "ㄱㅓ" is the Japanese transliterated version of ".com". During the .com End-Date Sunrise Period, Veronica will have the first exclusive sole right to register V.com assuming that V.com is available for registration during the .com End Date Sunrise Period, and she registered V.ㄱㅓ prior to the start date of the .com End Date Sunrise Period, and she had held the V.ㄱㅓ registration longer than the Add Grace Period. Veronica may only register her matching V.com with the registrar that is currently the same registrar-of-record for V.ㄱㅓ.

Remaining single character domain names in .com not registered by existing registrants of matching IDN gTLDs .ㄱㅓ, .닷컴, or .닷넷 domain names during the .com End-Date Sunrise Period may be allocated by VeriSign.

The Priority Access Period will last for about 60 days and will be an exclusive registration period for existing registrants of transliterated IDN .net and .com domain names, as follows:

Registrants of a second-level domain name (in ASCII or IDN script) in a transliterated IDN .net or .com top-level domain that registered their domain name prior to the start date of the Priority Access Period (the "Existing Second Level Domain Name") and that have held the registration of the Existing Second Level Domain Name for longer than the Add Grace Period (e.g., the Add Grace Period for .com registry is five calendar days),

shall have the exclusive right during the Priority Access Period to register the exact match of the Existing Second Level Domain Name (the "Matching Second Level Domain Name") in .net or .com (as applicable), assuming (i) such Matching Second Level Domain Name is available for registration during the Priority Access Period; and (ii) such Matching Second Level Domain Name is registered through a registrar that is the same registrar-of-record for the Existing Second Level Domain Name.

The General Registration Period will be governed by the normal provisions of the .net and .com Registration Agreements, as applicable. Any remaining single and two character domain names will be available for registration during this period.

The Trademark Claims Period will be operated in accordance with the TMCH Requirements.

Following the initial registration, the specifications of Appendix 7 in the .net and .com Registry Agreements will apply for all EPP operations including grace period and pending period policies.

Single and two character domain names that are not explicitly renewed prior to the expiration date will be automatically renewed for a single year in the same manner as non-single character domain names registered within the SRS.

Fees:

With respect to the registration services, the annual .net and .com registration fees for a single and/or two character domain names will remain unchanged.

Describe quality assurance plan or testing of Proposed Service:

VeriSign has demonstrated the ability to deliver scalable and reliable registry services. The rigorous processes and extensive suite of quality assurance tests and performance testing will be applied to maintain the functionality, data integrity and data accuracy of the proposed services.

Please list any relevant RFCs or White Papers on the proposed service and explain how those papers are relevant:

Subsequent to the initial registration process, the provisioning protocols currently implemented will apply. These may include:

- RFC 4930 Extensible Provisioning Protocol (EPP)*
- RFC 4931 Extensible Provisioning Protocol (EPP) Domain Name Mapping*
- RFC 4932 Extensible Provisioning Protocol (EPP) Host Mapping*
- RFC 4934 Extensible Provisioning Protocol (EPP) Transport over TCP*

Contractual Provisions

List the relevant contractual provisions impacted by the Proposed Service:

See Amendment 1 to .Net Agreement and Amendment 2 to .Com Agreement (attached).

What effect, if any, will the Proposed Service have on the reporting of data to ICANN?:

Contractually required reports will continue as is. To the extent additional communication with ICANN and registrars is needed with regard to the proposed services, VeriSign will consult with ICANN and registrars to develop a process for that.

What effect, if any, will the Proposed Service have on the Whois?:

None

Contract Amendments

Please describe or provide the necessary contractual amendments for the proposed service:

See Amendment 1 to .Net Agreement and Amendment 2 to .Com Agreement (attached).

Benefits of Service

Describe the benefits of the Proposed Service:

The proposed services are intended to meet the desire for potential registrants to register single and two character domains, which no longer need to be reserved as discussed above.

Competition

Do you believe your proposed new Registry Service would have any positive or negative effects on competition? If so, please explain:

The proposed services are pro-competitive because they expand the allowable domain names and initially allocate the names on the basis of the process proposed herein. The proposed services would have no negative effects on competition. The process will be open to all qualified registrants, working with ICANN-accredited registrars. Registrars may compete to attract registrants who wish to participate.

How would you define the markets in which your proposed Registry Service would compete?:

The .net and .com domain name registries operate as unrestricted, unsponsored top-level domains and, thus, any Internet user anywhere in the world may participate. The .net and .com domain name registries compete with other gTLD and ccTLD registries, many of which currently offer single-character and two character domain names (e.g., .biz, .pro, .cat, .travel, .mobi, .coop, .jobs, .name, .org among other registries). The proposed services will compete with many other means by which Internet users obtain domain names or other means of establishing their identity on the Internet and the capability to be reached by internet users.

What companies/entities provide services or products that are similar in substance or effect to your proposed Registry Service?:

Numerous registries have been approved by ICANN to register single and two character domain names, including:

.biz, .info, .pro, .cat, .travel, .mobi, .coop, .jobs, .name, .aero, .org, and .asia

Finally, several country code top level domain name registries currently permit registration of single and two character domain names.

In view of your status as a registry operator, would the introduction of your proposed Registry Service potentially impair the ability of other companies/entities that provide similar products or services to compete?:

No. Note that other gTLD and ccTLD registries offer now or are free to propose and provide single and two character domain name registration services using whatever mechanism they think best.

ICANN has approved proposals to release single and/or two character domain names for several registries. See <http://www.icann.org/en/registries/rsep/>.

Do you propose to work with a vendor or contractor to provide the proposed Registry Service? If so, what is the name of the vendor/contractor, and describe the nature of the services the vendor/contractor would provide:

As outlined in the TMCH Requirements, the TMCH Sunrise and Claims Operator would be contracted to provide sunrise and claims services.

Have you communicated with any of the entities whose products or services might be affected by the introduction of your proposed Registry Service? If so, please describe the communications.:

As explained in more detail above, VeriSign has consulted with numerous parties regarding the proposed services, including registries, registrars and potential end users.

Do you have any documents that address the possible effects on competition of your proposed Registry Service? If so, please submit them with your application. (ICANN will keep the documents confidential).:

No. VeriSign has no documents that address the possible effects on competition.

Security and Stability

Does the proposed service alter the storage and input of Registry Data?:

No. The number of registrations that are being considered is an infinitesimal amount when compared to the number of registrations managed within .net and .com. In addition, the amount of storage and data input required for the registration and lifecycle support of single and two character domain names in the .net registry is negligible.

Please explain how the proposed service will affect the throughput, response time, consistency or coherence of responses to Internet servers or end systems:

The proposed services will have no impact on throughput, response time, consistency or coherence of the responses to Internet servers or end systems for the same reasons as the previous question. The transaction volume required for the registration and lifecycle support of single and two character domain names in the .net registries is negligible.

Have technical concerns been raised about the proposed service, and if so, how do you intend to address those concerns?:

No. There have been no technical concerns raised about the registration of single and two character domain names. In fact, when considering the Global Name Registry (.name) proposal for the removal of the restriction on two character domain names, the RSTEP report concluded that "no meaningful" security issues were identified. The RSTEP report can be found at: <https://www.icann.org/en/system/files/files/rstep-qnr-proposal-review-team-report-04dec06-en.pdf>

Other Issues

Are there any Intellectual Property considerations raised by the Proposed Service:

Intellectual property considerations are important to this proposal. The provisioning of single and two character domain names, as described previously, will follow Rights Protection Mechanisms of the TMCH Requirements, including Sunrise and Trademark Claims periods, and thus contains basic protection mechanisms for intellectual property rights. These policy building blocks find their foundation in U.S. and International law, e.g., the Lanham Act.

In addition to rights for trademark holders, vital consideration is given to holders of matching label registrations in transliterated IDN .net and .com gTLDs. This is necessary to conform with existing VeriSign policy commitments, which were in turn built on input from constituency groups, most notably the Ryc.

Finally, the recommended process follows basic fundamentals of fairness and good faith. Specifically, registrants of transliterated IDN single character domain names complied with the TMCH Requirements and competed successfully in the Sunrise process and/or paid a premium price to register those domain names. It would be fundamentally unfair to hold those qualified registrants in "double jeopardy" and require them to compete successfully again pay a second premium to register their corresponding .net or .com matching domain names. Registrants put in such a situation may resort to legal recourse against VeriSign and/or ICANN.

Does the proposed service contain intellectual property exclusive to your gTLD registry?:

(1) Trademarks - Trademark or similar rights may exist or arise with respect to trade names or terminology used in connection with the proposed services.

(2) Copyrights - Copyright protection may exist or arise in connection with code written or materials created in connection with the proposed services.

(3) Trade Secrets - Certain information or processes related to the proposed services may be confidential to VeriSign and/or subject to trade secret protection.

(4) Patents - VeriSign is not aware of the issuance of any patents by any party with respect to the proposed services.

List Disclaimers provided to potential customers regarding the Proposed Service:

VeriSign will likely include industry standard disclaimers (e.g., disclaimer of all warranties with respect to the data) in the agreement(s) governing the services.

Any other relevant information to include with this request:

None

AMENDMENT NO. 1 TO .NET REGISTRY AGREEMENT

This Amendment No. 1 ("Amendment No. 1") to the Agreement (as defined herein) is made and effective as of this ___ day of _____ 2017 (the "Amendment No. 1 Effective Date"), by and between the Internet Corporation for Assigned Names and Numbers ("ICANN") and VeriSign Information Services, Inc., ("VeriSign") ("Registry Operator") and each individually a "Party" and collectively the "Parties." Capitalized terms used in this Amendment No. 1 and not otherwise defined shall have the meanings as provided in the Agreement.

RECITALS

WHEREAS, ICANN and VeriSign entered into that certain .net Registry Agreement, dated July 1, 2017, as amended (the "Agreement"); and

WHEREAS, ICANN and VeriSign hereby desire to amend the Agreement as set forth herein.

NOW, THEREFORE, in consideration of the mutual covenants and premises contained herein, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, ICANN and VeriSign hereby agree as follows:

1. Paragraph B of Appendix 6. The language in paragraph B (Additional Second-Level Reservations) of Appendix 6 to the .net Registry Agreement shall be deleted in its entirety and replaced with the following:

All single and two-character labels that were previously reserved by the Registry Operator in the Registry Agreement may be allocated as set forth in Appendix 7.

2. Section 8 of Appendix 7. The following language shall be added to Section 8 of Appendix 7:

8.2 .net Single and Two Character Allocation

Pursuant to the Registry Operator's proposal and Appendix 6 of the Registry Agreement, ICANN authorizes the release of all single and two character labels, which are no longer reserved under the Registry Agreement. The limitations on Service Fees in Section 7 of the Registry Agreement do not apply to the price of single and two character labels subject to this Amendment to the Registry Agreement. For purposes of allocating single and two character second level labels under this Section 8 of Appendix 7, Operator shall implement, in accordance with requirements set forth therein, each of the mandatory RPMs set forth in the Trademark Clearinghouse as of the date hereof, as posted at <http://www.icann.org/en/resources/registries/tmch-requirements> ("TMCH Requirements"), which may be revised in immaterial respects by ICANN from time to time, with the following exceptions and modifications:

8.2.1 The term "Agreement" in the TMCH Requirements introductory paragraph shall not apply as defined in the TMCH Requirements, but shall instead refer to this Agreement.

8.2.2 Section 2.4.3 and Section 4.5 of the TMCH Requirements shall not apply.

8.2.3 The Qualified Launch Program Addendum to the TMCH Requirements shall not apply.

3. General. This Amendment No. 1 amends certain terms and conditions of the Agreement. All other terms and conditions of the Agreement that are not modified by this Amendment No. 1 shall remain in full force and effect. In the event of a conflict between the terms and conditions contained in this Amendment No. 1 and the Agreement, the terms and conditions of this Amendment No. 1 shall control.

IN WITNESS WHEREOF, the parties have, through their duly authorized officers, executed this Amendment as of the Amendment No. 1 Effective Date.

VERISIGN, INC.

**INTERNET CORPORATION FOR
ASSIGNED NAMES AND NUMBERS**

By: _____
Name:
Title:
Date:

By: _____
Name:
Title:
Date:

AMENDMENT NO. 2 TO .COM REGISTRY AGREEMENT

This Amendment No. 2 ("Amendment No. 2") to the Agreement (as defined herein) is made and effective as of this ___ day of _____ 2017 (the "Amendment No. 2 Effective Date"), by and between the Internet Corporation for Assigned Names and Numbers ("ICANN") and VeriSign Information Services, Inc., ("VeriSign") ("Registry Operator") and each individually a "Party" and collectively the "Parties." Capitalized terms used in this Amendment No. 2 and not otherwise defined shall have the meanings as provided in the Agreement.

RECITALS

WHEREAS, ICANN and VeriSign entered into that certain .com Registry Agreement, dated December 1, 2012, as amended (the "Agreement"); and

WHEREAS, ICANN and VeriSign hereby desire to amend the Agreement as set forth herein.

NOW, THEREFORE, in consideration of the mutual covenants and premises contained herein, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, ICANN and VeriSign hereby agree as follows:

1. Paragraph B of Appendix 6. The language in paragraph B (Additional Second-Level Reservations) of Appendix 6 to the .net Registry Agreement shall be deleted in its entirety and replaced with the following:

All single and two-character labels that were previously reserved by the Registry Operator in the Registry Agreement may be allocated as set forth in Appendix 7.

2. Section 8 of Appendix 7. The following language shall be added to Section 8 of Appendix 7:

8.2 .net Single and Two Character Allocation

Pursuant to the Registry Operator's proposal and Appendix 6 of the Registry Agreement, ICANN authorizes the release of all single and two character labels, which are no longer reserved under the Registry Agreement. The limitations on Service Fees in Section 7 of the Registry Agreement do not apply to the price of single and two character labels subject to this Amendment to the Registry Agreement. For purposes of allocating single and two character second level labels under this Section 8 of Appendix 7, Operator shall implement, in accordance with requirements set forth therein, each of the mandatory RPMs set forth in the Trademark Clearinghouse as of the date hereof, as posted at <http://www.icann.org/en/resources/registries/tmch-requirements> ("TMCH Requirements"), which may be revised in immaterial respects by ICANN from time to time, with the following exceptions and modifications:

8.2.1 The term "Agreement" in the TMCH Requirements introductory paragraph shall not apply as defined in the TMCH Requirements, but shall instead refer to this Agreement.

8.2.2 Section 2.4.3 and Section 4.5 of the TMCH Requirements shall not apply.

8.2.3 The Qualified Launch Program Addendum to the TMCH Requirements shall not apply.

3. General. This Amendment No. 2 amends certain terms and conditions of the Agreement. All other terms and conditions of the Agreement that are not modified by this Amendment No. 2 shall remain in full force and effect. In the event of a conflict between the terms and conditions contained in this Amendment No. 2 and the Agreement, the terms and conditions of this Amendment No. 2 shall control.

IN WITNESS WHEREOF, the parties have, through their duly authorized officers, executed this Amendment as of the Amendment No. 2 Effective Date.

VERISIGN, INC.

**INTERNET CORPORATION FOR
ASSIGNED NAMES AND NUMBERS**

By: _____

Name:

Title:

Date:

By: _____

Name:

Title:

Date: