



Congressman Tom Marino
Cannon House Office Building, 410
Washington, DC 20515-3810

October 15, 2013

RE: Corporate Domain Extensions as part of ICANN's New gTLD program

Dear Congressman Marino,

We, at [Dot Registry, LLC](http://dotregistry.org)¹ have closely followed the communications and opinions expressed by your office in regards to the security, stability, and consumer protection protocols necessary to ensure safety throughout the launch and run of the new gTLD process. As the only community applicant for the extensions of .inc, .llc, .llp, and .corp we are uniquely invested in the security of these gTLDs and the responsible creation of registration policies that protect both consumers and businesses in the United States.

What alarms us currently is the potential that ICANN could allow applicants, foreign and domestic, to operate the registries for these key corporate identifier extensions as generic extensions allowing for a no holds barred wide open market place that allows anyone, regardless of their legitimacy to register a corporate extension domain. This would lead to the very problems of cybersquatting that you have recently spoke out on.

These corporate identifier extensions are not like the hundreds of other generic terms that have been applied for. Research shows that .inc will be one of the most popular extensions for registrants, as it has a very specific meaning and specific reputation in the eyes of consumers. As the oldest form of organized business in the United States, corporations are held to a high standard of operating policies, reporting requirements, and oversight. When a consumer sees the abbreviations of inc., llc., llp., or corp., after a company name they have the expectation that the business is a registered entity entitled to conduct commerce in the US. The introduction of these domains in a non-controlled market setting could produce consumer confusion, increased business identify theft and a vast new frontier for cyber crime.

¹ <http://dotregistry.org>

208 W 19th St, Kansas City, MO 64108 dotregistry.org 816.200.7080

After significant research into the regulations and requirements for corporate registrations in the United States, we decided to apply for these corporate identifier strings as a Community Applicant. In the ICANN new gTLD program, community applicants voluntarily carry significant additional responsibilities compared to a standard applicant. We agreed to limit registrations to only members of our described community and we are not permitted to change registration policies or guidelines based on market trends or company whims. As a community applicant we are charged with very specific tasks:

- 1) Identify the community you plan to represent. Make a clear connection between the extension and the party you represent, and prove that this is a widely known association.
- 2) Describe the admittance requirements to the proposed community (not in regards to registering a domain, but in the world as a whole) and identify what characteristics its members commonly share.
- 3) Indicate why this community deserves to be protected and specifically delineated on the Internet, while explaining in detail how you plan to accomplish those tasks.
- 4) Garner support from the community you plan to represent, which must be in written form and supportive of not only your policies, but your businesses ability to responsibly carry out the task it is charged with.

In our case we have defined our communities as Registered Businesses in the United States. Our registration policies clearly define that only a US Limited Liability Company registered with its applicable Secretary of State or equivalent legal body, as verified by our company would be allowed to hold an .llc extension (similarly the policy is duplicated with .inc, .llp, and .corp). Further, their registered domain name must be consistent with that of their registered business name in order to eliminate consumer confusion and registrations would be annually verified with their applicable state agency in order to ensure that organizations are still considered active in the US. Our policies expand to give us the ability to revoke domain names held by companies that have misrepresented themselves, participated in fraudulent activities, or are considered suspended by their state.

We have spent years cultivating solid relationships with Secretaries of State across the country in order to ensure that our registration polices match the registration guidelines for businesses in all 50 states. With their valuable guidance and input we have

208 W 19th St, Kansas City, MO 64108 dotregistry.org 816.200.7080

developed the ability to verify business registration information nationally and ensure that the domains we present to consumers will assist in decreasing business identity theft, consumer confusion, and promote stability in the Internet marketplace. Many Secretaries have submitted [correspondence](#)² to ICANN in regards to their concerns related to the issuance of the corporate identifier extensions and on July 21, 2013 the National Association of Secretaries of State (NASS) passed a [resolution](#)³ clearly expressing their opinion that these “safeguards and restrictions are only enforceable in the community application process.”

We at Dot Registry, feel an acute sense of responsibility to live up to the expectations of NASS. Each Dot Registry approved domain will bare a consumer protection seal allowing for instant access to business registration information and the confirmation that any website bearing the extension of .inc, .llc, .llp, or .corp is in fact a registered US business.

The new gTLD program has encountered a vast amount of set backs over the last two years. Facing opposition and glitches that could have never been anticipated. The concept of increased safeguards and operational securities for extensions such as the corporate identifiers has been brought to the forefront of this process multiple times by the Government Advisory Committee (GAC). The United States is represented on the GAC by the NTIA. GAC has called for very specific assurances in regards to the responsible management of these extensions and the impact they might have on consumers. While the Internet Corporation of Assigned Names and Numbers (ICANN) has allowed applicants to submit Public Interest Commitments (PIC) increasing their security protocols these documents are not considered binding and the vast majority of GAC feedback from applicants has been negative and non-compliant. To date there has yet to be an clear policy produced by ICANN in regards to how or if the GAC advice will be adopted and in what capacity generic applicants will be required to enforce suggested safeguards.

In the transcripts of the May 4, 2011 Subcommittee hearing for Intellectual Property, Competition, and the Internet the committee expressed a variety of concerns related to ICANN’s ability to create strong trademark protection protocols, an extensive whois database, enforceable safeguards to protect consumers and the overarching concern that this program was driven more by the need for revenue creation then for an expanded and efficient Internet market place. Our company believes these are issues that still need to be addressed. The trademark clearing house is in its infancy. To-date less then 6,000 Trademark Holders are registered in the data-base making clearance protections difficult for the gTLD’s currently hitting the market. Additionally, applicants are proclaiming their compliance to GAC safeguards through the use of generic non-binding registration guidelines such as: “we will *attempt* to form a relationship with the governing body” or “registrations will be *primarily* reserved for”. At this point the

² <http://www.dotregistry.org/about/correspondence>

³ <http://www.dotregistry.org/pdf/nass-resolution-icann-gtld-summer2013.pdf>

applicant guidebook has become more of a loose interpretation of procedure than an enforceable document and it would appear that the continued monitoring of such a vast array of new extensions will be extremely taxing on an organization that has not affectively implemented a single protocol in the last two years.

We have watched this process turn in to a bidding war, allowing for companies that operate closed registries or have unsecured business models to rise to the top because of the funds they have in play. While this could be considered an acceptable practice for generic extensions such as .help, or .party where few consumers could be damaged by lax registration guidelines it cannot be the protocol for extensions such as .cpa, .bank, .gmbh, the corporate identifiers we represent or the many other potentially socially damaging extensions under review currently. Community applicants, such as ourselves are the only applications that are bound by their guidelines, that have thoroughly researched and presented their safety protocols and can be held accountable over time for their business processes.

I would encourage your office to continue the new gTLD education you have begun, press ICANN to adopt the GAC recommendations for consumer protections, community applications, and ongoing security protocols. Do not settle for generic statements in regards to rule enforcement and champion community applications such as ours, which will ensure consumer protection over time. The new gTLD process has been fraught with missteps and we fear that with the precedent that has been set over the last two years of policy creation without forethought, protocol elimination due to inconvenience, inconsistency of implementation and the slow response of ICANN to address GAC concerns head on that the management of over 500 new extensions in the next year will be close to impossible.

We are reaching out to you today with the hope that you will speak up in regards to protecting registered US businesses and consumers, that you will research the strengths that community applicants bring to the table, and that you will press ICANN to choose longevity over convenience. Let ICANN know that these issues are not going unnoticed and that while the market is important, in a world that is moving rapidly towards a less personal and more electronic age it is their responsibility to ensure the lasting safety, security, and success of such a concept.

Sincerely,



Shaul Jolles, CEO
Dot Registry, LLC

208 W 19th St, Kansas City, MO 64108 dotregistry.org 816.200.7080