



March 20, 2014

## Response to Community Objections

Over the last several days a series of comments opposing Dot Registry's community applications have been sent to ICANN. Dot Registry firmly asks ICANN to invalidate all objections made by standard applicants as it contradicts requirements under ICANN's objection policy contained in the Applicant Guidebook. These biased comments serve to undermine the integrity of ICANN's Community Priority Evaluation process.

Per module 4 of the applicant guidebook: *"When scoring "Opposition," previous objections to the application, as well as public comments during the same application round, will be taken into account and assessed in this context. There will be no presumption that such objections or comments would prevent a score of 2 or lead to any particular score for "Opposition." To be taken into account as relevant opposition, such objections or comments must be of a reasoned nature. Sources of opposition that are clearly spurious, unsubstantiated, made for a purpose incompatible with competition objectives, or filed for the purpose of obstruction will not be considered relevant."*

Additionally, in the Application Comments Forum User Guide it further defines that: ***"Community** – This objection ground allows formal objections to be filed by parties with standing if there is substantial opposition to the gTLD application from a significant portion to the community to which the gTLD string may be explicitly or implicitly targeted. Comments directed to this objection ground are available in the View Comments section of the Forum for viewing by the public, dispute resolution service providers, and the independent objector. Note that comments directed to this objection ground will not be considered as formal objections and will not by themselves block an application from being evaluated."*

Since the submission of our initial applications, Dot Registry has not had to alter our operational or registration policies in order to comply with the GAC advice or government correspondence that has been submitted in relation to these extensions. Our due diligence prior to submitting our applications and on-going interaction with Secretaries of State across the United States have proved critical in developing stringent registration policies that protect and benefit the Registered U.S. Business Community, while at the same time greatly reducing the potential for fraud and consumer harm in these sensitive new gTLDs. Our application for these corporate identifier strings, and our need to properly secure and protect them, directly aligns with ICANN's core mission to promote the security and stability of the Internet. The Federal Trade Commission of the U.S. government and all 50 Secretaries of State have expressed direct concern over these strings being granted to any other applicant other than the Community Applicant as it would seriously compromise the security and stability of the Internet and open up Pandora's Box to abuse. For these compelling security reasons, among others, ICANN must oversee the Community Priority Evaluation process to ensure unbiased .

As reflected in our applications, .INC, .LLC, .LLP, and .CORP registration for these extensions will be restricted to members of the Registered U.S. Business Community. Our policy protects U.S. businesses and consumers by cross-referencing the Registrant data with the applicable state business registration databases, not just at initial registration, but annually in order to ensure that only active members of our community which are considered in good standing by their state are using this extension. Further, Dot Registry has stringent protections in place to revoke or suspend domains should a community member become inactive or be involuntarily dissolved by their respective state for their corporate registration.

Over the last two and a half years we have developed a fully functioning pre-verification system that will comply with not only our existing policies, but successfully interface with state registration databases and evolve to serve the needs of our community, as change may occur. We continue to be an active corporate affiliate with the National Association of Secretaries of State (NASS) and are proud of the relationship we have built with Secretaries' of State across the U.S. ,as they now see us as a responsible steward and entrust us to manage these corporate extensions.

The National Association of Secretaries of State (NASS) is considered the oldest bi-partisan political organization in the United States. Its members consist of Secretaries of State and Lieutenant Governors from all 50 States and US territories, who have sworn under oath to uphold the duties of their office. The resolution passed by NASS in July 2014 was unanimously approved by the body of NASS, therefore it represents 100% of the government representatives that oversee business registration and administrative oversight in the U.S. While the resolution does not specifically name Dot Registry, it does however indicate that NASS believes that these strings should only be issued in a community format and that concept is further supported by the GAC Advice and comments by the Federal Trade Commission. Dot Registry is the only community applicant for these corporate identifier strings.

Excerpt from NASS Resolution:

***“WHEREAS, the National Association of Secretaries of State (NASS) is an organization whose members include the Secretaries of State and Lieutenant Governors of the 50 U.S. states and territories; and WHEREAS, the majority of members are responsible for the administrative oversight of business entity registration processes in their respective states; and***

***“WHEREAS, the Government Advisory Committee to ICANN has issued advice in regards to the necessity of safeguards and restrictions on these particular Internet extensions and we believe these safeguards and restrictions are only enforceable in the community application process; NOW, THEREFORE, BE IT RESOLVED THAT, the National Association of Secretaries of State (NASS) recommends that if these extensions are approved, then ICANN should adopt the GAC recommendations and award the .INC, .LLC, .LLP and .CORP extensions with appropriate safeguards and restrictions designed to protect the U.S business community and consumers.”***

This week objections were posted by: Scott Hemphill, General Council to Affiliars, Thomas Morz CEO of both InternetX GmbH and MyLLC GmbH, Robert Hoffman CEO of A1 Media ,R.

Shawn Gunnarson whose affiliation we are unaware of and Donuts INC.

Scott Hemphill, Thomas Morz and Robert Hoffman represent the interests of companies that are standard applicants and direct competitors for the corporate identifier strings, all of which have commonality of ownership. In their submitted comments, they fail to identify themselves and their associations with the companies that have applied for these corporate identifiers as standard applicants. These comments are biased and serve to circumvent the provisions of ICANN's Applicant Guidebook to try and convince ICANN to disqualify Dot Registry's Community Priority Application based on fictitious accusations. For these reasons, Dot Registry asks ICANN to disallow these comments to remove such bias from the application process.

Below please find the detail of their business affiliations and the applications that each company has filed for these strings.

Affilias:

Applicant for INC (application ID: 1-868-6380 submitted by John Kane) and LLC (application ID 1-868-65445 submitted by John Kane)

MyLLC Gmbh

Applicant for LLC (application ID: 1-1013-43904 submitted by John Kane)

MyLLP Gmbh (Internet X)

Applicant for LLP (application ID: 1-1013-89480 submitted by John Kane)

While Affilias's General Council, Scott Hemphill, mentioned that Affilias is considered a "leading global Internet infrastructure company", he failed to mention that they are also applicants for the gTLDs of INC and LLC and that Affilias' holdings represent interests in both companies that Hoffman and Morz provided comments from.

InternetX's objection which Affilias provides support of, is actually a holding company of Affilias and Thomas Morz, CEO of MyLLC Gmbh sits on Affilia's Board of Directors.

Robert Hoffman failed to represent himself accurately as the CEO of 1&1.com, his mention to A1 Media, LLC is laughable as the business is an inactive company which, per state reporting guidelines, has had no activity since 2008. As an inactive business, A1 media is in no way (based on our registration policies) considered a member of this community.

Further, 1&1.com is owned by United Domains, an umbrella company also owning percentages of InternetX. Over the last week, we have seen five objections posted by essentially the same company, which is deceitful, blatant, in bad faith and violates the provisions of ICANN's Applicant Guidebook. The financial reports and board lists for all of these companies are public record and it appears that Mr. Morz, Mr. Hoffman, and Mr. Hemphill assumed that they could fool ICANN by thinking that nobody would connect them to standard applicants? All of these irrelevant comments could have been filed as one comment since they represent the same competitor, who is clearly from outside the community we seek to serve. How can ICANN ever believe that these companies, which represent standard applicants, would promote the security and stability of the Internet given their egregious behavior and disregard for ICANN policy? Let alone be able to institute the sensitive execution issues and transparency required to operate corporate

identifier strings, as defined under category 1 by the GAC.

Mr. Gunnarson's interest in this matter is confusing at best. Mr. Gunnarson is listed in the new gTLD Applicant Database as the primary contact for IRI Domain Management, LLC, a company closely affiliated with The Church of Jesus Christ of Latter-day Saints who has applied for the .LDS and .MORMON TLDs. Mr. Gunnarson makes no mention of his affiliation with these other applications in his comment so it's unclear whether his comments were filed on behalf of The Church of Jesus Christ of Latter-day Saints or not.

If Mr. Gunnarson has filed his comment on behalf of an unnamed third party, his lack of disclosure should disqualify the comments as they cannot be ascertained if that third party is from within the community or not. In addition a comment such as this filed on behalf of an unnamed third party, at this stage of the process, easily falls into "clearly spurious" and the "filed for the purpose of obstruction" category and should therefore be disallowed.

If Mr. Gunnarson has simply filed his comment on his own behalf or on the behalf of his law firm, Kirton + McKonkie PC, the comment comes from outside of the Registered U.S. business community for which Dot Registry has applied. As a Professional Corporation, Kirton + McKonkie PC would not be eligible for a .llc, .llp or .inc tld. Mr. Gunnarson would also not be eligible as an individual. Regardless, a comment such as this cannot be considered "substantial" or "material" for the purposes of Community Priority Evaluation.

While irrelevant, we found the comments of all our objectors interesting and felt that it was important to respond to several of the items proposed in their submissions. First, we believe it is important to clarify that Dot Registry's applications represent the interests of four unique communities in the United States, which represents an estimated 90% of all business registrations worldwide. Dot Registry has never implied that these abbreviations do not exist in other countries, nor have we implied that we lead an organization dedicated to uniting them. What Dot Registry has done is clearly identify, define and design protections for registered businesses within the United States in order to fulfill the expectations of the governmental administrative body that oversees each and every business with these approved corporate designations.

Each of the 50 states has varying regulatory, tax, and administrative policies with regard to business formation, but here is what is universal:

- 1) Every business in the United States is required to register with their Secretary State or applicable government office prior to conducting business within the United States.
- 2) Once registered, each entity is bound by the laws of that respective state in regards to their business practices and operations. If an entity fails to comply with state regulations, they are removed from their status of good standing or in extreme cases administratively dissolved.
- 3) The abbreviations LLC, INC, LLP, and CORP are identified by all states in the United States as meaning the same thing.

Dot Registry, has designed our registration policies based off the verification of universally collected data in regards to entity formation. Our pre-verification system adapts seamlessly to each state's databases in order to retrieve real-time information and ensure that consumers can trust websites bearing a corporate identifier gTLD. This process would not

be possible on a global scale, not only because of the varying standards for business operations across the world, but also for the lack of infrastructure in many countries, which would make the validation of registration information impossible. Opening up the community to the world would have unintended security and stability consequences for ICANN and the Internet as a whole. To date, none of these countries were interested in filing community applications for their relevant jurisdictions or they would have done so.

Affilias's application specifically indicates that: ".INC will be an open TLD, generally available to all registrants (except in the Sunrise period). The domains can be used for any purpose, including for business use, for **personal use** and by organizations. There are **no content or use restrictions** for this TLD." The same exact paragraph is referenced in question 18 of MyLLC Gmbh's application for LLC, clearly showing their binding allegiance. While both applications will clearly create competition in the market, neither will comply with the GAC Advice or the recommendations of the U.S. Secretaries of State.

In accordance with ICANN's Applicant Guidebook, Page 1-27, it states:

#### 1.2.3.1 Definitions:

For purposes of this Applicant Guidebook, a community based gTLD is a gTLD that is operated for the benefit of a clearly delineated community. Designation of an application as community based is entirely at the discretion of the applicant. Any applicant may designate its application as community-based; however, each applicant making this designation is asked to substantiate its status as representative of the community it names in the application by submission of written endorsements in support of the application. An applicant in a community based gTLD is expected to:

- 1) Demonstrate an ongoing relationship with a clearly delineated community.
  - a. Our communities are clearly delineated and named in all of our supporting correspondence.
  - b. We have built a relationship to these communities through NASS, which is the binding element for communication amongst the State officials which oversee our communities.
- 2) Have applied for a gTLD string strongly and specifically related to the community named in the application.
  - a. Each of our applications specifically and identically tie to and correspond with the entity types they represent, which are legally registered entity types.
- 3) Have proposed dedicate registration and policies for registrants in its proposed gTLD, including appropriate security verification procedures, commensurate with the community-based purpose it has named.
  - a. Our registration policies were developed through collaboration with key Secretaries of State and are universally adaptable to registration requirements for our communities nation wide.
- 4) Have its applicant endorsed in writing by one or more established institutions representing the community it has named.
  - a. Dot Registry has received a large amount of correspondence in regards to support of these strings being issued in a community format.

On March 3, 2014 our direct competitor, Donuts, Inc., posted correspondence in opposition to our Applications for: .INC, .LLC, and .LLP. because of the specific nature of Donut's concerns we believed it was necessary to address their items individually. Below please find excerpts from Donut's commentary and our response:

<b>Donut's Myths</b>	<b>Fact</b>
Applicant demonstrates no connection to the community it claims to represent	Dot Registry is a member of the Community of Registered Limited Liability Companies. In addition we are a corporate affiliate of the National Association of Secretaries of State and have worked diligently to address their concerns over the last several years and become an ambassador for these communities. Our connection is formed via our affiliation to the Secretaries of State in the US and alliance that no other applicants for these extensions have been able to build.

Donut's Myths	Fact
<p>The application proposes registration policies that do not advance its stated goals for the alleged community.</p>	<p>The "alleged" community is specifically defined as: Businesses registered as their applicable legal entity with the United States or its territories. The goals for our communities as described in question 18 are "to build confidence, trust, reliance, and loyalty for consumers and business owners alike by creating a dedicated gTLD to specifically serve the perspective communities". Community is not defined by the activity as Donuts implies but by the membership. These goals are further supported by our registration policies as seen in both question 18 and 28 in our applications.</p>

Donut's Myths	Fact
<p>The applicant puts forth no content or use restrictions, and limited enforcement mechanisms to achieve the protections it claims to offer the asserted community.</p>	<p>In addition to the pre-verification of entity information as described in question 18 of our applications the following policies are also described in question 18 and 28: "if Dot Registry discovers that an applicant wrongfully applied for and was awarded a corporate identifier domain then such domain will be immediately forfeited to Dot Registry. Wrongful application includes but is not limited to: an applicant representing itself as a member of the community, a registrant participating in illegal or fraudulent activities, or where a registrant would be in violation of our abuse policies as described in question 28" and "if an application is unable to be verified or does not meet the requirements of the sponsored community the application will be considered invalid". We find it interesting that Donuts, a company with no specific registration guidelines or content restrictions on any of their cookie cutter applications chose to actually pick policy as a battle ground.</p>

Donut's Myths	Fact
<p>The applicant provides no support whatsoever for the actual application under review ... Delaware opposed the TLD all together, while the rest merely state broadly that the domain must have protections without identifying what they should be.</p>	<p>Per the applicant guidebook: " The form and content of the endorsement are at the discretion of the party providing the endorsement". The resolution passed by NASS which is an "established institution representative of the community" clearly states that these gTLD's should only be issued in a community format. I am not sure how much more specific Donut's would like them to be. Additionally, the Delaware Secretary of State voted positively towards that resolution and has indicated in multiple pieces of correspondence that these strings should be issued in a community format, Donut's has attempted to skew Delaware's communication to further their spurious objection.</p>

Donut's Myths	Fact
<p>The Applicant undertakes the CPE essentially as a low cost, high reward gamble. It tries inappropriately to use the CPE to circumvent the appropriate contention set resolution process defined by ICANN.</p>	<p>The appropriate contention set resolution as stated by several Secretaries of State is that these gTLDs be awarded in a community context only. We are using CPE exactly as it is defined to protect a long-standing, easily identified community; that if not protected would cause mass consumer confusion and perpetuate business identity theft. The fact that Donut's indicates that Dot Registry is engaged in a "low cost/ high rewards gamble" is laughable at best. We have invested an unbelievable amount of capital and personal energy into maintaining the integrity of our mission and find it offensive that this could in anyway be defined as "low cost". Additionally, administering these extensions in a non-community format would by far result in the most high rewards situation as registration would not be limited and profits would be much higher. This is not a financially driven business model.</p>



We have additionally received quite a bit of criticism in relation to defining our community as businesses registered within the United States only. This decision was not made lightly. After extensive research in relation to where these abbreviations are used elsewhere in the world, company registration guidelines globally, and the infrastructure available for pre-verification it was determined that these abbreviations clearly represent an identifiable community within the U.S., which is held to common set of standards, admission requirements, and monitored over time. In response to both Donut's comments and the recent posting by the European Union we have chosen to attach a small sample of our research in relation to the company abbreviations prevalent through out Europe as an example of why it would not be appropriate to imply that inc., llc., llp. or corp. are commonly used abbreviations globally.

In closing, we encourage the EIU to reject the submission of these comments and view them for what they really are –competitor driven efforts filed for purposes of obstruction and meant to tarnish our reputation and the reputation of those who support our application.

Dot Registry is proud of our business model and the strong connection we have built with our communities over the last two and a half years. Our competitors should be reminded that it is not their job to score our applications, nor is it their right to object. We certainly hope that, moving forward in this process, all applicants will be more mindful of their conduct, respectful to their competitors and adhere to the policies put forth by ICANN in the Application Guidebook..

---

Shaul Jolles

## EU Country Company Abbreviations

EU Countries	Main Language	Limited Liability Company	LLC	Limited Liability Partnership	LLP	Corporation	INC
Austria	German	<i>Gesellschaft mit beschränkter Haftung</i>	GesmbH	<i>Kommanditgesellschaft</i>	KG	<i>Aktiengesellschaft</i>	AG
Belgium	Dutch/French	<i>Besloten Vennootschap/ Société Privée à Responsabilité Limitée.</i>	BV/ SPRL	<i>Commanditaire Vennootschap op Aandelen/ Societe en commandite par actions</i>	CVA/SCA	<i>Naamloze Vennootschap/ Société Anonyme</i>	NV/ SA
Bulgaria	Bulgarian	Ednolichno Druzhestvo s Ogranichena Otgovornost.	EOOD	Komanditno druzhestvo	KD	Aktionerno Druzhestvo	AD
Croatia	Croatian	drustvo s ogranicenom odgovornoscu	d.o.o.	<i>komanditno drustvo</i>	k.d.	dionicko drustvo	d.d.
Cyprus	Turkish/ Greek					Societas Europaea	SE
Czech Republic	Czech	Spolecnost s rucenim omezenym	spol s.r.o.	komanditni spolecnost	k.s.	Akciova spolecnost	A.S.
Denmark	Danish	Anpartsselskab	ApS	Kommanditaktieselskab	KA/S	Aktieselskap	A/S
Estonia	Estonian	<i>Osajühing</i>	OU	Usaldusühing	UU	<i>Aktiiaselts</i>	A.S.
Finland	Finnish/Swedish	Osakeyhtiö	Oy	Kommandiittiyhtiö/Kommanditbolag	Ky/Kb	Osakeyhtiö/Publikit Aktiebolag	Oyj/Apb
France	French	Société à responsabilité limitée	SarL	Société en nom collectif	SNC	<i>Société Anonyme</i>	SA
Germany	German	Gesellschaft mit beschränkter Haftung	GmbH	Kommanditgesellschaft auf Aktien	KGaA	<i>Aktiengesellschaft</i>	AG
Greece	Greek	Εταιρία περιορισμένης ευθύνης	EPE	Ετερορρυθμος	EE	Ανώνυμος Εταιρία	AE
Hungary	Hungarian	korlátolt felelősségű társaság	Kft	Beteti társaság	Bt	Részvénytársaság	Rt
Iceland	Icelandic	Einkahlutafélag	ehf.	Samlagsfélag	Samlagsfélag	Hlutafélag	hf
Ireland	English	<i>Private Company limited by shares</i>	PrC/ Ltd.			Public Limited Company	PLC
Italy	Italian	Società a Responsabilità Limitata	Srl	Società in Accomandita Semplice	SAS	Società per Azioni	SpA
Latvia	Latvian	Sabiedrība ar ierobežotu atbildību	SIA			Akciju sabiedrība	AS
Liechtenstein	German						
Lithuania	Lithuanian	Uždaroji akcinė bendrovė	UAB	Komandinė ūkinė bendrija	KÜB	Akinė bendrovė	AB
Luxembourg	French/German/Luxembourgish	Société à responsabilité limitée	SarL	Société en Nom Collectif	SENC	<i>Société Anonyme</i>	SA
Malta	Maltese/English					Societas Europaea	SE
Netherlands	Dutch	Besloten Vennootschap	B.V.	Commanditaire Vennootschap op Aandelen	CVoA	Naamloze Vennootschap	NV
Norway	Norwegian/Nynorsk/Bokmål	Aksjeselskap	AS	Selskap med delt ansvar	DA	Allmennaksjeselskap	ASA
Poland	Polish	Spółka z ograniczoną odpowiedzialnością	Sp. z o.o.	Spółka komandytowa	SK	Spółka Akcyjna	SA
Portugal	Portuguese	Limitada	Lda.			Sociedad Anónima	SA
Romania	Romanian	<i>societate cu raspundere limitata</i>	Srl	Societate in comandita simpla	SCS	Societate pe actiuni	SA
Slovakia	Slovak	Spoločnosť s ručením obmedzeným	s.r.o. spol. s r.o.	Komanditná spoločnosť	k.s.	Akciova Spoločnosť	A.S.
Spain	Spanish	Sociedad Limitada	S.L.	Sociedad Comanditaria	S.Cra.	Sociedad Anónima	S.A.
Sweden	Swedish	<i>no equivalent of an LLC</i>		Kommanditbolag	Kb	Publikt aktiebolag	AB (publ)
United Kingdom	English	Private Limited Company	Pvt. Ltd. Pte Ltd Ltd/Bhd/Pte	Limited Liability Partnership	LLP	public limited company	plc or Ccc

### Sources

<http://www.corporateinformation.com/Company-Extensions-Security-Identifiers.aspx>

[http://corporate-data-league.ch/wiki/Main\\_Page](http://corporate-data-league.ch/wiki/Main_Page)

[http://en.wikipedia.org/wiki/Types\\_of\\_business\\_entity](http://en.wikipedia.org/wiki/Types_of_business_entity)

[http://en.wikipedia.org/wiki/Limited\\_liability\\_company](http://en.wikipedia.org/wiki/Limited_liability_company)

## Belgium "B.V." (LLC)

"the company name (which must begin or end with "B.V.")"

Source: [http://en.wikipedia.org/wiki/Besloten\\_vennootschap](http://en.wikipedia.org/wiki/Besloten_vennootschap)



### Riemer Westland Schilders BV

035 5253298

[www.riemerwestland.nl](http://www.riemerwestland.nl)

Havenstraat 48, 1271 AG Huizen



## Czech "spol. s.r.o" (LLC)



Hitachi Automotive Systems Czech s.r.o.

Společnost s ručením omezeným is the Czech Republic legal structure for a private limited liability company. The commercial name of a limited liability company must include the designation "společnost s ručením omezeným" ("limited liability company"), or its abbreviated form "spol. s r.o.", or "s.r.o."

Source: [http://en.wikipedia.org/wiki/Spole%C4%BDnost\\_s\\_ru%C4%8Den%C3%ADm\\_omezen%C3%BDm](http://en.wikipedia.org/wiki/Spole%C4%BDnost_s_ru%C4%8Den%C3%ADm_omezen%C3%BDm)

## Finland "Oy" (LLC)



Osaakeyhtiö... is abbreviated to Oy [o: y:] and is used either before or after the company's name, sometimes with the addition of (or replaced by) the Finland-Swedish equivalent Ab. (In Sweden, the abbreviation is written AB.)

Source: <http://en.wikipedia.org/wiki/Osaakeyhti%C3%B6>

# Boom

finland oy

## Italian "S.R.L." (LLC)



The name of the company , followed by the expression "Società a Responsabilità Limitata" or the abbreviation "S.r.l." (Limited Liability Company)

Source: <http://www.hg.org/article.asp?id=29196>



**United Kingdom "Ltd, Limited" (LLC)**



The names of all private limited companies in the UK must end in either 'Limited' or 'Ltd'

Source: <https://www.gov.uk/limited-company-formation/company-name-and-address>



**Norway "AS, ASA" (LLC)**



"Its name always starts or ends with the abbreviation AS or ASA."

Source: [http://en.wikipedia.org/wiki/Limited\\_liability\\_company](http://en.wikipedia.org/wiki/Limited_liability_company)

