

From: Rubens Kuhl

Date: Thursday, July 17, 2014 at 1:56 PM

To: Cherine Chalaby

Cc: Megan Bishop, Cyrus Namazi, Francisco Arias

Subject: Comment on proposed name collision handling

To: ICANN Board of Directors, New gTLD Program Committee

Cc: ICANN Staff

We welcome the responsiveness of the NGPC (New gTLD Program Committee) in expediting the handling of the Namespace Collision Framework(NCF) by anticipating the foreseen end of July meeting to the next 18th, but this made ongoing efforts to capture the views of working groups, interest groups and stakeholder groups we are members of (NTAG, RySG) not feasible in due time for the next NGPC meeting, so we are making this comments on our own, not claiming representation but informing affiliation.

We got from ICANN London session named "Name Collision" that ICANN staff suggested the NCF to go beyond the originally proposed two years. While this might be seen in a positive way for parties that could eventually be affected by collisions, this also creates significant uncertainty for registrants who would then have to run their online presence under the constant possible impact of the framework. Moreover, extending the framework indefinitely could facilitate attempts of denial-of-service or censorship by third parties that would forever be able to abuse the NCF and obtain the deactivation of a legitimate domain name.

As such, we propose a time limit of two years after the initial registration of a domain name for the framework to be applied, no matter if by current registrant or a previous registrant. This should be reviewed from time to time to balance concerns for existing uses of the namespaces versus by concerns faced by new registrants, shifting the balance in favor of new registrants as time goes by.

We also note that the current registry agreements have no provisions to enforce such measures beyond two years of the delegation of the TLD

(specification 6, section 6.3.1), so if such a process is deemed to be of interest of the community, it needs to go thru the policy development process(PDP) to get enforceability. This would also bring a level playing field, as it would apply to all contracted parties, avoiding increasing an already large gap of obligations between new and legacy contracts. Considering that the first two years are already covered by the agreement, a PDP has enough time to reflect the views of all stakeholders.

We hereby authorize publication of this comment on ICANN public correspondence page.

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