

nameshop

Dear Chair Tripti Sinha and CEO Sally Costerton,

In the current 2012 new gTLD application round, Nameshop applied to operate the TLD string .IDN. That application was amended to apply for .INTERNET via the formal ICANN “Change Request” process. In addition, Nameshop was one of the three applicants seeking applicant support. Nameshop’s public interest commitments were substantial, expressing its unequivocal intent to operate the string ‘responsibly’ with Community support and involvement for the good of the DNS and the diverse global Internet community.

Shortly after filing the application, Nameshop noticed that .IDN was an alpha3 country code and asked ICANN either to process .IDN or to allow the string to be changed to .Internet. After several months, ICANN took a position to disallow .IDN and process the change request for .Internet instead.

The application for .INTERNET Nameshop has faced several obstructions, including an arbitrariness in ICANN’s approach to the issue and the absence of due process. During the last 10 years and 30 ICANN meetings, Nameshop painstakingly narrated these hurdles and elaborately pointed out the flaws in the evaluation and reconsideration processes.

Nameshop’s approach was non-confrontationist and both sides followed a cooperative approach to address these gaps internally (rather than by adversarial challenges). Through all these discussions, Nameshop identified the positive benefits that would result from the delegation of the string .Internet to Nameshop.

In a letter dated 21 July 2017 (responding to the Nameshop commitments regarding the intended operation of .Internet), ICANN stated that ICANN had previously responded to all outstanding issues. In truth, ICANN’s response has been superficial, not providing reasoning or rationale for its position. In short, Nameshop’s points have NOT been addressed or answered. Nameshop pointed this out on this and several occasions, and this has also been narrated in detail in the correspondence we sent to you titled “A fair summary ... concerning .Internet ...”

”<https://www.icann.org/en/system/files/correspondence/muthusamy-to-willett-23jun19-en.pdf> and also the earlier letter sent on April 25, 2019 published at <https://www.icann.org/en/system/files/correspondence/muthusamy-to-willett-25apr19-en.pdf>

The ambiguity and the limitations of the Applicant Guidebook has been one of the major causes of our contention for the past 10 years. These limitations, coupled with other evaluation and reconsideration gaps, ought not to be the cause for ICANN to force the Nameshop application for

.Internet to the next round. Doing so would simply be unfair considering the history of this application to date. Rather, it would be fair and a way forward to refer this for Community advice or to escalate this matter to the Executive or the ICANN Board (with specific reference to the letters sent on April 25 and June 23 of 2019 as referenced above) for due attention and for suitable directives. The Nameshop commitments remain unchanged and reaffirmed.

In addition to the policy and global public benefit reasons cited above, Nameshop objects to being pushed to the next round of new gTLD process on unfairness grounds, i.e.:

- 1. The string .Internet has been applied for, revealed, uncontended, and merits process and delegation during this round rather than be taken to the next round where "gainsayers" await;*
- 2. A subsequent round, as pointed out during a meeting in 2014, would be at an indefinite date and further delay the application that has already suffered 10 years of process delays;*

and

- 3. Deferring the application to the next round will cause extended expenditure to the applicant who has already voiced a need for some type of support. In addition, there would be unknown changes between this application round and the next across multiple factors, the effects of which are difficult to foresee.*

In ICANN's evolutionary history, .INTERNET happens to be the exception – a deviation from its otherwise characteristic fairness. In the evaluation of the .Internet gTLD application, there are process gaps in several instances. There have been arbitrary, unexplained and unexplainable hurdles and roadblocks, ex-post facto rule-making when the existing framework of rules did not suit, and even an unusually strange classification of the application as "will not move forward." (On this and other On procedural bottlenecks, Nameshop stated on July 31, 2017: "We are unable to understand what 'corporate' rigidity could possibly limit a global organization such as ICANN, with all of its evolved multi-stakeholder model Community processes, from acting swiftly on the Nameshop application...")

With all these unresolved issues on .Internet, which is potentially of immense value in terms of global public interest, ICANN has not been able to schedule a long-requested meeting (adopting an uncharacteristic posture of inattentiveness)

Please be kind enough to schedule a meeting during ICANN Hamburg to lead to a positive outcome in fairness.

Thank You,

Sivasubramanian M
October 13, 2023 India