

24 March 2020

RE: Public Comments on Proposed Amendment to .COM Registry Agreement

Zak Muscovitch, General Counsel  
Internet Commerce Association

Dear Mr. Muscovitch,

Thank you for your [letter](#) dated 17 March 2020 regarding the public comments submitted in connection with the proposed amendment to the .COM Registry Agreement (the Agreement).

Thank you for reminding us, in paragraph 3 of your letter, about ‘the importance of public comments when it comes to billion-dollar issues...’. The Board believes that public comments are an important and integral part of the ICANN multi-stakeholder model for all issues irrespective of their perceived monetary value.

In line with ICANN’s public comment proceedings, ICANN management (referred to herein as ICANN Org) is undertaking an in-depth review and analysis of all comments received during the comment period for the Proposed Amendment 3 to the Agreement. As usual, ICANN org will consult with the Board about the substance of the comments, as well as publish a report in the coming weeks with a summary and analysis of the comments before next steps.

We understand that many of the comments are related to the proposed changes in pricing terms under the Agreement. While the volume of comments on a particular topic is considered, it is ultimately not as important as the substance of the comments and the arguments presented. Taking action based on the volume of comments would risk ICANN being captured by whichever group managed to have its followers generate the largest number of comments. This is not a popularity contest but rather a deliberative process intended to balance a number of factors including the security and stability of the DNS, ICANN’s mission and its role in the business of the DNS, and the public interest.

The opinions expressed in paragraph 4 of your letter regarding the .org matter are noted but are of no relevance whatsoever to the Board’s consideration of the proposed amendment to the Agreement.

The advice provided to the Board and the other tangential comments contained in paragraph 5 of your letter are also noted. The Board is well aware of its mission, its role, the role of ICANN org and the formal process by which public comments are dealt with.

Finally, with regard to your suggestion that ICANN org conduct a study related to the proposed changes to .COM pricing terms, as ICANN org previously explained in its [3 January 2020 announcement](#), the proposed amendment and the [public comment announcement](#), ICANN org is not a price regulator and, therefore, defers to the expertise of the Department of Commerce and the U.S. Department of Justice for the regulation of pricing for .COM registry services.

Thank you for your interest and input in this topic.

Yours truly,



Maarten Botterman  
Chair, ICANN Board of Directors