



The Internet Corporation for Assigned Names and Numbers

7 June 2017

Dear Mr. Poole,

Thank you for your follow-up questions regarding the 2008 comments from the U.S. Department of Justice Antitrust Division on “consumer choice and competition” issues as it related to new gTLDs.

These comments were included in the summary and analysis along with the hundreds of other comments received; see page [121](#).

The analysis of those comments noted that "As part of the evaluation of applications, ICANN will be carefully selecting among applicants those that are best suited and most qualified to operate a TLD. Registry Operators should expect to invest significant time, effort and expense in building a robust business model to support registry operations and service the registrants within the TLD. Mandating a rebid process for a TLD upon renewal would de-incentivize Registry Operators from making this investment, and directly counter the philosophy relative to the selection of each TLD Registry Operator. [...] The comments concerning the idea of requiring the rebid of TLDs upon expiration of the initial term of a Registry Agreement raise profound economic questions that will be addressed separately from this legal analysis, and will continue to be the subject of community discussions." See page [133](#).

Subsequent drafts of the [Applicant Guidebook](#) and base Registry Agreement were informed by several economic studies and were subject to multiple rounds of public comment and Governmental Advisory Committee (GAC) advice. They reflect a balance of different community views.

Additionally, the Generic Names Supporting Organization (GNSO) – the main policy making body for ICANN and gTLDs – began a policy development process to consider the introduction of new gTLDs in 2005. This process encompassed years of dialog with the ICANN community, including detailed and lengthy consultations with the many constituencies of ICANN's global Internet community, such as civil society, business and intellectual property stakeholders, technologists and governments including, as you noted, the U.S. Department of Justice Antitrust Division.

This effort culminated with an approved policy, and in June 2011, the approval by ICANN's Board of the Applicant Guidebook and authorization to launch of the [New gTLD Program](#).



Subsequent to the launch of the New gTLD program, the ICANN Competition, Consumer Trust and Consumer Choice Review Team (CCT-RT) was tasked to review and assess the New gTLD Program in three areas: competition, consumer trust and consumer choice, as well as the effectiveness of safeguards put in place to mitigate issues arising from the introduction of new gTLDs and the Program's application and evaluation process. The review examines the degree to which the process of implementing the New gTLD Program was successful in producing the desired results and achieving the stated objectives. The CCT-RT's draft report of findings and recommendations can be found [here](#).

The ICANN organization is committed to providing domain name registrants with information about their rights and obligations, the domain name ecosystem and how to navigate it.

We recently announced that Bryan Schilling joined the ICANN organization in the new role of Consumer Safeguards Director. His responsibilities include facilitating discussions within the multi-stakeholder community – including registrants – to help bring awareness to available consumer safeguards in the domain name system and assess their adequacy.

As you pointed out, discussions about the next round of gTLDs are underway in the ICANN community. We encourage you to contribute to these discussions and the efforts required to improve potential future rounds.

Best Regards,
Cyrus Namazi

Best Regards,

A handwritten signature in blue ink, appearing to read "Cyrus Namazi", is written in a cursive style.

Cyrus Namazi

VP, Domain Name Services & Industry Engagement
Global Domains Division