

Response to Secretary's Notice of 27 September 2006: Addressing Public Comments with Regards to the .ASIA Sponsored gTLD Application

Date: October 10, 2006

This document is prepared for the ICANN Board of Directors in consideration of the proposed contract posted for public comments. More specifically, the document is prepared in response to the Secretary's Notice of 27 September 2006.

First and foremost, DotAsia Organisation believes that the .ASIA registry operator contract should be considered with reference to comparable contracts entered into for this special round of Sponsored gTLDs, for example contracts for .MOBI, .TRAVEL, .CAT, .TEL and .JOBS. The proposed .ASIA contract is largely similar, including pricing, authority and term of contract, to those entered into by other Sponsored gTLDs in this round. In fact, in many cases, the structure and wording of the proposed contract is identical to those adopted by other registry operators in this round of Sponsored gTLDs. As such, it should be unnecessary for the .ASIA registry operator contract to be further delayed or deferred with regards to the pdp-feb06.

As designated by the proposed contract, the .ASIA registry is committed to implementing ICANN Consensus Policies adopted pursuant to the ICANN Bylaws and consistent with the terms of our proposed registry agreement with ICANN. DotAsia Organisation feels that the two issues highlighted by the Secretary concerns mainly of the renewal of the other contracts (.BIZ, .INFO and .ORG) that are also under consideration at this time, but should be dealt with separately. These issues may not be directly relevant to the proposed contract for .ASIA. Therefore the Organization sees no reason that it cannot operate in reasonable conduct based on the proposed contract, as compared to other Sponsored gTLDs in this round that have already launched.

Responses to Public Comments:

Compared to hundreds of emails articulating anxiety with regards to .ORG, .INFO and .BIZ registry agreements, there were only two emails expressing issues with the .ASIA contract from the public comments forum. Most of the issues raised have been discussed in depth during the extensive application and clarification process. Comprehensive discussion about the DotAsia community has already been explored and can be found in the original application and especially in the additional information during the clarifications process (<http://www.icann.org/tlds/stld-apps-19mar04/AppE-30nov05.pdf> -- Pages 10-36 and 48).

In general, topics raised in the .ASIA public forum can be summarized as follows: sponsorship review, sunrise provision clarification and privacy policy compliance. DotAsia Organisation believes that the .ASIA domain provides a useful additional to the Internet domain namespace, which provides a distinguished and recognizable identity for a relevant community. From our interactions within the ICANN community, we believe that many, especially registrars, also believe that .ASIA provides a meaningful addition to the domain name system. The charter of DotAsia Organisation provides a clear boundary for the community served based on the ICANN Asia / Australia / Pacific region. Eligibility of domain registrations is restricted to legal entities within the boundary. The governance of DotAsia Organisation is formed to leverage the knowledge in the industry and in the region. The initiative has also demonstrated its commitment to work closely with the stakeholders, including governments, ccTLDs and other groups in the community.

The DotAsia initiative is very interested and eager to engage and contribute to the development of Internationalized Domain Names (IDN). The DotAsia team intends to participate in the ICANN IDN TLD testbed and other activities to promote and propagate the adoption of IDN. DotAsia Organisation believes that through its member ccTLDs, it will also be able to provide valuable experience and knowledge to the process to benefit the community at large.

DotAsia Organisation is committed to provide protection for trademark owners to utilize and enhance the value of the .ASIA registry. Furthermore, DotAsia has been and will continue to proactively reach out to government representatives in the community to augment the reserved name list to provide better relevance to the protection of rights of others and to curb abusive registrations. The sunrise process reflects parts of the fruits of this constructive dialogue. For example, the first Phase of the sunrise period is a formal process of soliciting additional reserved names from ccTLDs and/or government representatives in the community.

With regards to the comment about "closed auction", there may have been a misunderstanding. The "closed auction" described means an auction held only exclusively between the registrants who have applied for a domain during the sunrise and landrush period and have been verified to have rights to the same domain name, not a "closed bid" auction. This is to avoid "additional" claimants of the domain to join the auction after-the-fact, as in an "open auction", which allows participants to join at anytime. A conventional English auction is envisioned where eligible bidders bid against one another, with each bid being higher than the previous bid, and each bidder able to observe each bid price.

The proposed concept of the auction is also different from the .MOBI auction where premium domain names are set aside for auction. Rather, the .ASIA registry will only facilitate auctions for domain names where multiple interested parties are competing for the same domain during the launch period. This process helps to resolve the technically complicated and high tension "conceptual" first-come-first-serve (FCFS) issues during the surge of registration requests when the registry "opens". The arrangement also provides a more orderly launching of the registry to avoid registrants having to "pre-register" their domain name with multiple registrars just in the hopes for increasing their "chance" of the almost lottery-like conditions if a FCFS model is used (at the opening of the registry). Technical glitches have happened in previous launches causing very unpleasant issues. By utilizing an auction model to resolve the competing situation, the party who is most interested with the domain (and therefore the one who will most likely truly use the domain and increase the utilization of the .ASIA domain as a whole) will be able to develop the domain, and avoid unnecessary distress for all parties involved.

Furthermore, the .ASIA registry does not intend to offer differential renewal prices based on usage or popularity of a domain name. Because the renewal process is generally common across TLDs, if a consensus policy to protect the interests of registrants is established, the .ASIA registry will implement it accordingly.

It is also important to note that DotAsia Organisation is a membership based not-for-profit corporation, and its surplus proceeds will be reinvested back to the community for capacity building and other socio-technical initiatives. The Organisation also embraces an inclusive approach for its membership and will remain open to constituent members to join and participate in the governance of the organization and the .ASIA registry.

Applications during the sunrise period will be verified based on the trademark and prior rights claims provided as well as for charter eligibility. The .ASIA registry will adopt both the Uniform Domain-Name Dispute-Resolution Policy (UDRP) and the Charter Eligibility Dispute Resolution Policy (CEDRP) standards for ICANN registries to resolve and discourage abusive registrations. The proposed contract also specified provisions for reserving country names and country codes. Furthermore, as mentioned, the first part of the sunrise, is dedicated to working with ccTLDs and government representatives in the community in the setup of additional reserved names that are relevant to the community.

The .ASIA registry will operate as a thick registry and therefore will store full contact information for domain names registered under .ASIA. Applicable privacy policy refers to the privacy policies relevant for

the registry and the registrar concerned. The WHOIS accuracy consideration is not a unique issue for the .ASIA registry and continues to be addressed by efforts in the ICANN community. Most importantly, WHOIS and contact information requirements laid out in the proposed contract is comparable to and largely follow the description adopted by other Sponsored gTLD contracts in this round.

General Comments:

It has been a long time coming for the DotAsia initiative. Throughout the application process, the DotAsia initiative has consistently shown its cooperative goodwill as well as its attentiveness and sensitivity to the interests of the stakeholders within the DotAsia community and the Internet community at large. DotAsia Organisation retains meaningful scope of authority that provides a good foundation for .ASIA to be a successful Sponsored gTLD. The involvement of ccTLDs and government representatives from the community is a prime example for the constructive and facilitative role the organization can play for the .ASIA registry as a Sponsoring Organization. At the same time, the organization understands and respects the importance of adhering to the Consensus Policies developed by the ICANN community.

In summary, DotAsia Organisation believes that the proposed contract represents a solid foundation for launching the .ASIA registry that is in accordance with the mission and mandate of ICANN. The framework and significant parts of the contract is consistent, and in many cases identical to, contracts of other Sponsored gTLDs in this round that have been entered into and launched in reasonably orderly manner. The proposed .ASIA contract application is different from the renewal of gTLD agreements and should be treated in the same form as other sTLDs, which have passed in the same manner. Other concerns can be mitigated by the expressed requirement (which is already included in the proposed contract) for compliance with Consensus Policies. DotAsia Organisation therefore urges the ICANN Board to approve the proposed contract and look very much forward to a constructive relationship with ICANN going forward. The Organization also looks forward to contributing and participating in IDN and regional outreach efforts to create value for the ICANN community.