

nameshop

The ICANN Board of Directors and the CEO
ICANN

Dear Members of the Board and Executive,

Nameshop, a Proprietary Firm company based in India, applied to operate a new Top-Level Domain. The following issues surrounding the evaluation, review, reconsideration of the Nameshop application are brought to your timely attention:

The original submitted application was for the string .IDN, which was later found to be the alpha3 country code for Indonesia. The applicant, while pointing out the ambiguity in the Applicant Guide Book concerning this rule, conciliatorily offered to change the string if the string .IDN could not be delegated. Eventually when a Change Process was available, Nameshop sought to change the string to .Internet, which is not a reserved string, not contented and not a geographical or otherwise prohibited string. The request was accepted, published and the string was revealed. Several weeks later, the new gTLD Evaluation Panel conveyed an intent to decline the change, without any rationale, and to strengthen this position declined the Applicant Support Request. These actions were challenged through the Office of the Ombudsman and the Board Reconsideration process, both of which are limited by design limitations and process flaws. Further discussions by Nameshop with ICANN are dealt with by ICANN without addressing the actual reasons surrounding the unfair treatment of the Nameshop application, but it is understood that ICANN has particular concerns about this valuable and symbolic string delegated to a Proprietary firm from India.

These concerns are addressed in this communication with specific pointers to the several merits of the Nameshop application, in particular, the voluntary Public Interest Commitments, which we INSIST ON being rendered legally binding in the jurisdiction in which ICANN operates now, and for completeness of commitment, with clauses to migrate the bond to suit any finer changes in ICANN's jurisdiction in the future, if such changes so arise:

1. Nameshop totally and completely understands and recognizes the symbolic value of the string. As such, Nameshop would manage the string by employing and engaging globally responsible individuals, each of whom would be respected for their known commitment to the Internet. Nameshop, even as a Proprietary private sector firm, is to be governed as a highly ethical firm and the string is to be managed responsibly.
2. Nameshop reaffirms and steadfastly adheres to its Public Interest Commitments, ahead of ICANN's own call for PICs. Nameshop wishes to persuade ICANN to accept, record, and publish Nameshop's Public Interest Commitments with immediate effect, as legally binding Commitments and as an integrated component in the new gTLD application and

agreement, by any special format voluntarily requested, if the existing new gTLD/Registry agreements do not have suitable provisions. This could be treated in particular as an extraordinary request by Nameshop and is NOT intended to propose modifications affecting other Registry agreements in general. In monetary terms Nameshop reaffirms its Commitments to give away AT LEAST one quarter of its income year after year primarily for the good of the Internet and secondarily for other global causes WITHOUT any undue consideration for benevolent causes in Nameshop's country of origin. In larger terms Nameshop would be commercially managed with high ethical standards so as to operate in the optimal interest of the Internet ecosystem, while not causing disruptive harm to the DNS business practices. This balance, with a tilt towards ethical standards is hoped to be achieved by employing and engaging respected individuals from the Internet/DNS communities who are renowned for their commitment to the Internet.

3. If the new gTLD process requires Nameshop to name the people to be employed and engaged in the management of the commercial operation and also indicate nominees for the foundation to manage the 25% given away, the firm would be happy to do so. Nameshop would be receptively open to objections by ICANN on key appointments, and make suitable changes based on sensitive objections, though the appointments would be made without formal consultation with ICANN in selection.
4. Without detriment to general business conventions, Nameshop would institute satisfactory policies concerning the allocation of prohibited/prohibitible Domain Names, Reserved Domain Names and premium domain names, with Commercial and Community advice, largely in the interest of the Internet.
5. With a view for fairness without regard to the firm's country of origin, Nameshop would legally commit to adopt a policy of geographical fairness in the registration of Domain Names as well as in all its Registry policies.
6. If the existing new gTLD/Registry Agreement framework is inadequate to cover these aspects and concerns peculiar to the allocation of the symbolically valuable string .Internet, Nameshop would agree to execute, with some attention to the legal nuances by legal consultation, a special agreement covering these voluntary aspects by a requested Special Status whereby, in a specialized contractual framework that would not be entirely different, but one which allows these voluntary Public Interest commitments to be legally articulated.
7. Such an agreement could include aspects such as Ownership including succession, limitations and processes to be adopted for Dilution of its holding or clauses related to ICANN's approval of Transfer of Ownership or Control of this 100% Proprietary firm.
8. Nameshop commits to operate the string in such a manner that its Registry Operations would be of of certain and significant value to ICANN and the Internet.

Thank you
Sivasubramanian M
Proprietor
8 March 2016

Sent by email, a signed copy to be handed over during the CEP meeting to ICANN during CEP