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COMMENTS OF THE UNITED STATES COUNCIL FOR INTERNATIONAL BUSINESS ON THE DRAFT CRITERIA TO BE USED IN THE SELECTION OF NEW SPONSORED TLDS

(Submitted Via Email: April 23, 2003)

The United States Council for International Business (USCIB) greatly appreciates the opportunity to provide the views of our members on the selection of new sponsored top-level domains (sTLDs). On December 10, 2002 USCIB President Thomas M.T. Niles sent a letter to Dr. Vinton Cerf, Chairman of ICANN, setting forth the views of our members regarding the introduction of new gTLDs. A copy of that letter is attached. We remain committed to the views set forth in that letter given their importance in ensuring the smooth and stable functioning of the domain name system.

Our members are encouraged by the progress made toward the development of objective criteria for the introduction of new gTLDs. Indeed, the views set forth in the December 2002 letter appear to have been incorporated into the *Draft Criteria to be Used in the Selection of New Sponsored TLDs (Draft Criteria)* released on the ICANN website on March 25, 2003, including:

- A recognition that the overarching concern in the introduction of any new TLD is to ensure that it does not affect the stability of the DNS;
- The development of a transparent process for the selection of new gTLDs based on objective criteria;
- Any new gTLDs should ensure differentiated space and thus should be limited to sponsored TLDs;
- A demonstration of broad support from the affected community to which an sTLD would apply;
- Any new gTLD must comply with the UDRP and Whois requirements and other consensus policies directly related to the technical coordination and continued stability of the Internet; and
- The new gTLDs be included in the “proof of concept review”.

Given the critical importance of the technical coordination of the Internet to all of our members due to the fact that an increasing amount of their business is conducted over it, we regularly consult our members to collect and coordinate their views on pertinent

domain name issues. As part of that ongoing consultation, it has come to our attention that the World Health Organization (WHO) plans to resubmit its application to serve as a registry for a new .health sTLD in the upcoming ICANN Request for Proposals. We believe that the anticipated WHO application presents an important case study on the need to consult and obtain the broad support of the community affected by a new sTLD.

As noted above and consistent with USCIB views, the Draft Criteria includes references to an sTLD having broad support from the affected community. The Draft states that “A key requirement of an sTLD is that they evidence broad-based support from the community they are intended to support. There must be support from the significant segments of the defined community for the establishment of the sTLD, the sponsor and the proposed policy-formulation process.”

Unfortunately, to date the views of our members affected by a .health sTLD have not been sought notwithstanding the direct impact such an sTLD could have on their business operations. Our members that would be affected directly by a .health sTLD have raised serious concerns to us, most notably the potential regulation of the flow of information by a registry in such a far-reaching subject area having significant social and commercial implications. Moreover, we understand that some governmental agencies in the U.S. and other countries have not been consulted and are just now weighing the implications of the anticipated application.

We reiterate our strong support for an .sTLD application review process that requires all applicants to demonstrate that they have consulted with and obtained the support of the affected community broadly defined. When such consultation and support is not clearly demonstrated, as is the case of WHO’s application for .health, we believe that the particular application should not be approved.

We hope that these views are helpful to you as you proceed with your deliberations.

Please do not hesitate to contact David Fares (dfares@uscib.org) if you have any questions regarding these comments.