29 April 2019

Mr. Russ Weinstein

Global Domains Division

ICANN

12025 Waterfront Drive, Suite 300

Los Angeles, California

90094-2536, USA

Dear Mr. Weinstein,

**Re: Proposed Renewal of .org Registry Agreement**

Please accept the attached as the Non-Commercial Stakeholder Group’s submission to the public comment proceeding regarding the proposed renewal of the .org Registry Agreement. As an entity in ICANN which represents the interests of non-commercial registrants and non-commercial Internet users, many of whom hold .org domains, this agreement is of particular interest to us. While we strongly support the work of the Public Interest Registry, there are two aspects of the proposed new agreement which we find potentially troubling.

First, is the decision to subject the renewal agreement to the Rights Protection Mechanisms, and in particular to the Uniform Rapid Suspension (URS) system. This system, by the rules of its adoption by the GNSO Council and the ICANN Board, applies to New gTLDs, and not legacy TLDs, such as .org and .com. Indeed, the establishment of the URS, and the other new rights protection mechanisms, was part of the bargain that was struck to mollify intellectual property interests concerned that the new gTLDs would become a haven for trademark infringement. In order to assuage concerns that the rapidly growing new domain name space would create a range of problems for trademark owners, a fast-track dispute resolution system was developed along with a range of additional rights protections mechanism, including the Trademark Clearinghouse. But in 2010 these mechanisms expressly were not added to or intended for legacy gTLDs.

Applying the URS system to legacy TLDs not only turns the previous Multistakeholder process of policy making on its head but, more importantly, it undermines the current *ongoing community discussions regarding the future of the URS*. At the moment, the GNSO’s Rights Protections Mechanisms Policy Development Policy Working Group is deliberating over an extensive set of charter questions, including whether the URS should be adopted as ICANN Consensus Policy applicable to all gTLDs (including legacy gTLDs), remain as a policy approved by the ICANN Community only for New gTLDs, or even whether to eliminate the URS entirely. Debates around whether the URS should be applied to legacy TLDs have been an extremely contentious issue and there is currently no decision to apply it to legacy gTLDs.

Accordingly, a unilateral decision by ICANN Org to include the URS in .org’s registry agreement essentially runs roughshod over the multistakeholder process and subverts the Community’s deliberations. It makes the applicability of the URS to this large legacy TLDs a fait accompli and a decision by Staff, rather than by the RPMs WG, the GNSO Council and the ICANN Board. We respectfully submit that this is completely inappropriate, and deeply undermines the Community’s role in policy development at ICANN.

Against these serious concerns, it is unclear what purpose the URS would serve in the .org space, given that this domain is hardly the preserve of major branded interests. Absent any evidence that .org faces substantial challenges with typosquatting, or the mass registration of domains for deceptive purposes, it is difficult to see the necessity of this change. The URS will likely never be used in the context of .org, and its inclusion here serves no purpose other than to upend community discussions on the future of rights protection mechanisms at ICANN.

Our second concern relates to the decision to remove price cap provisions in the current .org agreement. On the one hand, we recognize the maturation of the domain name market, and the need for Public Interest Registry to capitalize on the commercial opportunities available to it. Public Interest Registry, as a non-profit entity, supports many excellent causes (including, it is worth noting, the NCSG). On the other hand, as the home for schools, community organizations, open-source projects, and other non-profit entities, this registry should not necessarily operate under the same commercial realities that guide other domains. Fees should remain affordable, with domains which are priced within reach of everyone. Consequently, rather than removing the price cap provisions entirely, we suggest that they should be raised by a reasonable level, or at the very least, that this aspect of the contract should be subject to review at the midpoint of the contract, to assess its impact on the ability of potential registrants, particularly non-profits or charities, to register and renew domains at a reasonable cost.

**Recommendations:**

1. **Specification 7 Clause 2, which mandates the application of PDDRP, RRDRP, and URS to .org, should be deleted.**
2. **Rather than removing price caps from the agreement entirely, these should be retained but raised by an appropriate amount. In the alternative, this aspect of the contract should be subject to a review midway through the contract, based on the impact of the price changes on non-profit registrants.**

Please feel free to contact me should you have any questions.

Sincerely yours,

Stephanie Perrin

Chair

Non-Commercial Stakeholders Group

***About the NCSG***

The NCSG represents the interests of non-commercial domain name registrants and end-users in the formulation of Domain Name System (DNS) policy within the Generic Names Supporting Organisation (GNSO). We are proud to have individual and organisational members in over 160 countries, and as a network of academics, Internet end-users, and civil society actors, we represent a broad cross-section of the global Internet community. Since our predecessor’s inception in 1999 (the Non-Commercial Domain Name Holders Constituency, NCDNHC), we have facilitated global academic and civil society engagement in support of ICANN’s mission, stimulating an informed citizenry and building their understanding of relevant DNS policy issues. We believe our evidence-informed public interest-orientated contributions provide balance against state and market interests to protect non-commercial interests in ICANN’s policy development process.