



D-0216-055-DM

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**Comment ID: 6q8a5fa4**

**Affiliation: HOTREC**

**Applicant: Booking.com B.V.**

**String: HOTELS**

**Application ID: 1-1016-75482**

**Comment Submission Date: 11 February 2016 at 10:14:43 UTC**

#### **To whom it may concern**

HOTREC is the umbrella association of national trade associations representing the hotels, restaurants, cafés and similar establishments in Europe. HOTREC is writing to voice its concern in connection with [Booking.com](#)'s proposed changes to its .HOTELS application (1-1016-75482). In the interest of openness and transparency, HOTREC has previously filed a Community Objection (CASE No. EXP/447/ICANN/64 ) against the [Booking.com](#)'s application. Although HOTREC did not prevail in this Community Objection, the Panel did recognize that HOTREC did have standing to bring its Community Objection.

In ICANN Board Resolution 2015.06.21.NG02, the ICANN Board following GAC advice, prohibited closed generics in this current round and advised applicants such as [Booking.com](#) to "submit a change request to no longer be an exclusive generic TLD." [Booking.com](#)'s proposed change request was posted on the ICANN website on 12-January-2016. HOTREC respectfully submits that the proposed changes by [Booking.com](#) fail to address the original public policy concerns raised by the GAC, and also fail to meet the criteria that ICANN has posted for processing proposed change requests as set forth below.

In response to Question 18.A, [Booking.com](#) has proposed replacing the text "single registrant" with "eligibility requirements, reserving domain name registration to the Applicant and trusted third parties complying with the eligibility requirements." Although [Booking.com](#) makes several references to "Eligible Trusted Third Parties", they never specifically defined who would qualify as an eligible trusted third party. While [Booking.com](#) does mention that it is "developing a further detailed plan on how it will use this gTLD, in view of the recent changes that have been made to the New gTLD Program", there is no other specificity regarding these plans.

Assuming that [Booking.com](#) was attempting to operate the .HOTELS TLD in a non-closed manner consistent with the public policy advice of the GAC, then the inclusion of these "Eligible Trusted Third Parties" would have therefore necessitated a definition of who those "Eligible Trusted Third Parties" are. However, [Booking.com](#) provided no definition. In light of this apparent inconsistency, ICANN should require [Booking.com](#) to provide more specificity around its proposed definition of "Eligible Trusted Third Party" to allow the broader ICANN community, including the GAC, to weigh in on this proposed change request.

A further concern regarding [Booking.com](#)'s intention to comply with the full letter and spirit of the Board resolution and GAC advice, is their refusal to change the following text in Question 18: "[Booking.com](#) will at all times be entitled to restrict, limit or expand, among others: the category or categories of stakeholders who will be entitled to register

one or more domain names in the .hotels gTLD, including their criteria for qualification.” Given this broad reservation of rights, [Booking.com](https://www.booking.com) should be required by ICANN to provide specificity regarding the definition of what is an “Eligible Trusted Third Party” and there should be some limitation regarding their right to unilaterally change this definition.

Therefore in light of the concerns, HOTREC respectfully request that the proposed changes submitted by [Booking.com](https://www.booking.com) be denied until such time that they provide additional specificity regarding the eligibility requirements of “Eligible Trusted Third Parties.”

Sincerely

A handwritten signature in blue ink that reads "Christian de Barrin". The signature is written in a cursive style with a large initial 'C'.

Christian de Barrin  
Chief Executive Officer, HOTREC