

Clarification to Reconsideration Request 14-37

The Board Governance Committee stated in their minutes to Reconsideration Request 14-37, to our answer provided in **Question 6. Describe how you believe you are materially affected by the action or inaction:**

First, it contends that the Framework does not provide clear guidance as to how to prevent harms related to name collisions. (Id., Pg. 5.) Second, the Requester contends that it will suffer “lower registration rates” due to the confusion the Framework will purportedly cause, because the Requester predicts that registrars will “not offer domain name registrations from the Name Collision lists.” (Id.) Neither of these concerns has yet come to fruition, however, and are merely speculative at this point. Again, only those persons who “have been adversely affected by” an ICANN action may file a request for reconsideration. (Bylaws, Art. IV, § 2.2) (emphasis added). Because the only harm the Requester identifies is, at this point, merely speculative and hypothetical, the request for reconsideration is premature.

As such, the Requester has failed to demonstrate it has been materially affected by the Resolution and, on that independent basis, reconsideration of the adoption of the Resolution is not warranted.

We would like to provide the BGC and NGPC with more details how we already are and still will be materially affected. Those details derive from our two TLDs, which are in operations since January 2014.

We receive inquiries on a daily basis from registrars, resellers and registrants whether domain names can be registered and if not, when they will become available for registration. We would like to provide you with an excerpt:

1. Inquiries by registrars
 - a. MarkMonitor (March 13, 2014): blogger, wordpress, yahoo
 - b. MarkMonitor (April 17, 2014): facebook
 - c. CSC (July 15, 2014): „Can you please confirm if registration of domains on ICANN’s NXD list is permitted during GA for .rich and .onl?”
 - d. Inquiring registrars: Among others MArkMonitor, Marcaria, CSC, Ascio / NetNames, Nom-IQ d.b.a. Com Laude, Safenames, Nameshield, 101domain, Superregistry, OpenProvider and united-domains.
2. Inquiries by registrants
 - a. Google inquiry for: youtube, gmail, google
 - b. Direct inquiries for poker.onl, casino.onl, email.onl, games.onl, filthy.rich, super.rich and the.rich.
 - c. Inquiries by major domain investors (names can be provided on request).

3. Statistics from our backend about unsuccessful attempts to register a domain due to Name Collision:
 - a. For example: 23 Name Collision Domains received 1.468 failed attempts to register the domain.
 - b. The domain names are: wedding, vitamins, sports, shop, seo, search, realestate, porn, poker, news, mobile, login, image, health, games, game, forex, facebook, edu, cars, car, app, 888.
 - c. Most of these domain names would have been sold as premium names.

The overall experience we hear from registrants is that the process is very heterogeneous, inconsistent and untransparent. Registrants cannot be sure to get the same result nor a correct result for the same domain name across registrars:

- Only a few registrars synchronized their databases with the name collision list and do provide end users with the result.
- Some registrars keep this process manual and inquire with us.
- Some registrars give the status, that the domain name is “already registered” or “not available”.

As a result, there is no reliability for registrants, they are confused by the diverse statements by different registrars about the same domain name. They refrain to register the respective domain name – as we can see from our zone file.

A simple, unified process where and how to register Name Collision domain names is the key element for registrants, registrar and registries.

As long as clear rules and guidance are missing, this pattern of confusion will go on and continue to harm us materially.

We would also like to clarify that we are already affected materially right now: Those effects described above are important criteria in determining the possible revenues and thus the value of the string and the auction price. Our Investors determined that the value of .VIP is lower in comparison to TLDs without the Name Collision issue and thus they valued .VIP now roughly 20% lower than they did before the Name Collision effect appeared. In return they claim higher interest and securities which cause proportionately higher costs on our side.

September 11, 2014

sgd. Anselika Smoljar

I-REGISTRY Ltd.