

25 June 2012



Mr Cherine Chalaby  
Chair – Board of Directors New gTLD Program Committee  
ICANN  
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Dear Mr Chalaby,

#### **CORPORATE FEEDBACK ON 'DIGITAL ARCHERY' BATCHING PROCESS**

Recently I wrote to the New gTLD Program Committee, which you Chair, to outline Melbourne IT's concerns with the digital archery batching process for new Top Level Domain applications (30 May 2012).

The letter called for ICANN to delay the implementation of a batching solution until the community had a chance to review the published applications for new gTLDs and fully consider the implications of the batching method.

Following my letter, many other senior members of the domain registry and registrar community have also written to ICANN to support a halt to the digital archery process and calling for discussion between ICANN and the community to agree a solution based on bottom-up consensus. (Curiously, most of these letters have not been posted publicly to ICANN's correspondence page: <http://www.icann.org/en/news/correspondence>).

We are encouraged by ICANN's recent comments that it is open to community input on the digital archery batching solution. While the process is currently suspended for technical reasons, we believe this is an ideal time to reassess the batching process in its entirety.

Melbourne IT has raised the issue of the batching method with our clients and they have reiterated our concerns about digital archery.

The digital archery method increases the likelihood of more contentious strings with multiple applications being placed in the first batch. These applications are more likely to have issues with defensive registrations at the second level, as they are more likely to be operated for purposes of maximising revenue from second level registrations.

Brand owners that are seeking to minimise the need to create defensive registrations at the second level by operating their own top level domain may find they need to defensively register more second level domains in new generic gTLDs, until they have a chance to establish their own top level domain.

Now the applications have been revealed, I believe it is clear that a batching solution is no longer required for the purposes of managing the workload of the initial evaluation.

An analysis of the applications shows that 72% of applications are supported by five registry providers, while the five largest single applicants for new gTLDs account for a third of the total applications submitted. The apparent commonalities make it possible to design a process that allows all applications to be reviewed within a year.

As I noted in my previous letter, I firmly believe this can be done and still preserve ICANN's commitment to limit the number of new names delegated to the root in a year to 1,000. Some form of time-stamping may be needed in the future, if more than 1,000 new strings are ready for delegation into the root, but this problem may never occur given the natural spread in time for disputes to be resolved, extended evaluation to occur, agreements to be signed, and for applicants to plan and go live with their gTLDs.

On behalf of the undersigned brands, I again urge ICANN to allow the community to agree a new, fairer system which will allow all applications to be evaluated at the same time and provide a level playing field for all applicants.

Sincerely,



Theo Hnarakis  
CEO & Managing Director  
Melbourne IT

cc: Peter Nettlefold, GAC Representative for Australia

We, the undersigned organizations, support this letter:

- AB Electrolux
- Australian Postal Corporation
- Bond University Limited
- GlobalX Information Services Pty Limited
- Jaguar Landrover
- Ladbrokes PLC
- LEGO Juris A/S
- Orange Brand Services Limited
- Reckitt Benckiser Group PLC
- Royal Melbourne Institute of Technology
- RWE AG
- Sandvik AB
- Seek Limited
- SENER Ingeniería y Sistemas S.A.
- Société Nationale des Chemins de fer Français (SNCF)
- Special Broadcasting Service Corporation
- Tabcorp Holdings Limited
- The Weir Group PLC
- Webjet Limited