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Re: .XXX Registry Agreement Renewal – Removal of Sponsorship

Dear Russ,

Registry Services, LLC, d/b/a GoDaddy Registry as the parent entity of ICM Registry, LLC, would like to thank you for your time over the past three years to discuss the renewal of the .XXX Registry Agreement.

Currently the .XXX TLD operates under a “sponsored” Registry Agreement. A “sponsored” TLD is a specialized TLD that has a sponsor representing the particular community affected by the TLD. For the .XXX TLD the sponsor is the International Foundation For Online Responsibility (IFFOR). The sponsor carries out delegated policy-formulation responsibilities over many matters concerning the TLD.

In order for a .XXX domain name to become a resolving live website and offer any content, a registrant must first complete a “Sponsored Community Membership Application.”

GoDaddy Registry understands that there has been a documented history of standardizing the Registry Agreements of legacy TLDs, and as discussed, GoDaddy Registry believes that the .XXX TLD should also move to a more standard Registry Agreement. We note numerous operational efficiencies in doing so and that as a Registry Operator with multiple TLDs, GoDaddy Registry will also benefit from such efficiencies.

GoDaddy Registry proposes that the .XXX TLD moves to a version of the base Registry Agreement, which mirrors that of our other “adult” TLDs (.ADULT, .PORN and .SEX), with an addendum that removes or amends clauses that are not relevant to the .XXX TLD.

Below we restate the rationale for removing sponsorship for the .XXX TLD.

#### Adult new gTLDs as Proof

None of the .ADULT, .PORN or .SEX TLDs were identified by the GAC as strings that required additional safeguards because of a perception that they may carry a higher risk of harm to the community; no GAC advice was published in relation to these strings.

Currently, the .ADULT, .PORN and .SEX TLDs operate under the new gTLD Agreement, with no sponsorship or Specification 12. They are independent of IFFOR and do not require membership in the Sponsored Community for registrations. Between them, they have over 22,000 registrations. The incidence of abuse in these TLDs is low. In the past 12 months, we have received one (1) report of CSAM or other abuse in the .ADULT, .PORN or .SEX TLDs.

### Sponsored Community Sentiment

GoDaddy Registry engaged with the Sponsored Community to gauge community sentiment toward the renewal of the .XXX Registry Agreement without the sponsorship requirement. This engagement involved the sending of email communications explaining the proposal to remove sponsorship and a link to a survey, the results of which GoDaddy Registry considered statistically significant.

In response to the statement, “Sponsored Community Membership is important to me”, 41.81% of respondents disagreed or strongly disagreed that Sponsored Community membership is important; only 12.72% of respondents agreed or strongly agreed. In response to the statement, “Sponsored Community Membership is important to the operation of the .XXX TLD”, 47.27% of respondents disagreed or strongly disagreed that Sponsored Community membership is important; only 18.18% of respondents agreed or strongly agreed.

A large majority of respondents (72.73%) indicated that they have no objection to removing the sponsorship requirement for the .XXX TLD and only 1.82% disagreed. Just over two thirds (67.27%) of respondents indicated that they have no objection to removing the Sponsored Community Membership requirement, with only 1.82% of respondents disagreeing.

Members could also leave a comment with their survey response (though most chose not to). One respondent commented:

*“I spent ten years going to ICANN meetings going back to the initial discussions of XXX and its approval. I believe these requirements are a throwback from before the introduction of 1,000+ gTLDs, when there were only a handful of gTLDs/sTLDs (.info, .biz, .coop, ... and com, org, net, etc.) It no longer serves any purpose.”*

### IFFOR’s Satisfaction with the Stewardship of the .XXX TLD

GoDaddy Registry has been in active, positive discussions with IFFOR about the .XXX TLD and IFFOR’s engagement moving forward. The IFFOR Board has considered the removal of the sponsorship and noted no objection to hand over policy operations to GoDaddy Registry.

IFFOR has served its purpose in the development of .XXX policies and its sponsorship of the .XXX TLD is no longer necessary for the safe and effective operation of the TLD.

### IFFOR Ombuds

The annual IFFOR Ombuds Office Report shows continued low instances of various abuses in the .XXX TLD. The 2022 IFFOR Ombuds Office Report contemplates there not being an annual audit going forward:

*“As the system has evolved, the need for an independent ombuds program that includes an audit capability may no longer be as compelling, in light of the resources required.”*

Ombudsman’s findings include the following statement that further demonstrates GoDaddy Registry’s responsible operation and standard of excellence of the current system for the .XXX TLD:

*“The results of our 2022 audit review can be simply summarized as outstanding. Last year, we identified several areas of concern. During this review cycle, the CRS was completely upgraded and, in the process, the Registry owners paid careful attention to the areas the IFFOR-OAT identified in its 2021 Annual Review. This year, we determined that the CRS is in full compliance with Appendix C., and our supplemental and remediation requirements. And beyond basic compliance, the CRS now actually exceeds these requirements in many respects. In fact, the new system may serve as a benchmark to similar systems and operations.”*

### Adequate Contractual Safeguards Already in Place

Appendix 9 of the .XXX Registry Agreement mirrors the language of Section 3 and Section 4 of Specification 11 found in the .ADULT, .PORN and .SEX Registry Agreements. This language includes a list of additional voluntary Public Interest Commitments (PICs), some of the most onerous of any new gTLD Registry Agreement.

The additional voluntary PICs were added to the .ADULT, .PORN and .SEX Registry Agreements to codify proactive best practices, providing for contractual enforcement of such.

The requirements of Appendix 9 go further than the Sponsored Community model to protect children and ensure the responsible and safe operation of the .XXX TLD. Comparing the two, the more effective and extensive set of protections is contained in Appendix 9, which would be carried over to the proposed new .XXX Registry Agreement as Specification 11.

### Responsible Operation

Adult content exists on all open TLDs; similarly, CSAM can unfortunately be present in any open TLD. However, GoDaddy Registry has proactive policies and systems in place to protect the .XXX TLD.

We work with the Internet Watch Foundation (IWF) to proactively and reactively identify CSAM across all of our TLDS; we also participate in the DNS Abuse and CSAM Working Groups.

The 2021 IFFOR Ombuds Office Report noted that *“a major source of child abuse image concerns stem from sites that allow for third-party postings”*. Registrant membership in the Sponsored Community does not prevent third-party posting on a domain name. From what we have seen in practice, the membership requirement provides a false sense of accountability and security to the community, and the real work to protect the .XXX TLD comes from GoDaddy Registry’s efforts outside of the sponsorship.

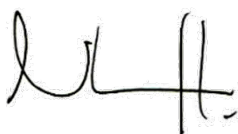
Precedence for Removing Sponsorship

In addition, GoDaddy Registry notes that there is precedence for removing sponsorship; for example, the .MOBI TLD moved from a sponsored Registry Agreement to a more standard Registry Agreement, founded on the base new gTLD Registry Agreement.

In Conclusion

We look forward to your further correspondence and to progressing the renewal of the .XXX Registry Agreement through a public comment process.

Yours sincerely,



Nicolai Bezsonoff  
VP and General Manager  
GoDaddy Registry