

Although restrictions on the nature, location, or legal entitlement or establishment of those who can register in a particular domain can engender increased consumer trust (for example by ensuring that only legally registered medical doctors are listed in .doctor), there is a potential danger that restrictions can be misused to protect incumbent registrants by limiting the competition that they would otherwise face from new entrants. A recent article on occupational licensure, which raises similar concerns, notes that “while some professions may require restrictions to ensure quality and public safety, a close examination of restrictions in those professions suggests that those boards...have abused their ability to self-regulate.”¹ The authors conclude that “adding meaningful state supervision over board activity...would facilitate competition by deterring regulation that benefits only competitors.”² In the present context, this suggests that improved oversight by ICANN of restrictions on registrations that are imposed by gTLDs may be appropriate.

¹ A. Edlin and R. Haw, “Cartels by Another Name: Should Licensed Occupations Face Antitrust Scrutiny?,” 162 *University of Pennsylvania Law Review* 1093 (2014) at 1107.

² *Ibid.* at 1156.