**Recommendation 2**: Collect wholesale pricing for legacy gTLDs.

**Rationale/related findings**: The lack of wholesale data will continue to hinder future CCT Review Teams' efforts to analyze competition between new and legacy gTLDs in the domain marketplace. In particular, the review team was unable to determine whether wholesale prices charged by legacy gTLDs had declined as a result of increased competition due to the introduction of new gTLDs.

**To:** ICANN organization

**Prerequisite or Priority Level:** Low

**Consensus within team:** Yes

**Details:** ICANN or an outside contractor should acquire wholesale price information from both legacy and new gTLD registries on a regular basis and provide necessary assurances that the data would be treated on a confidential basis. The data could then be used for analytic purposes by the ICANN organization and by others that execute non-disclosure agreements. This may require amendment to the Base Registry Agreement for legacy gTLDs.

**Success Measures:** The availability of relevant data for use by the ICANN organization, contractors and the ICANN community for its work in evaluating competition in the DNS space.

**Recommendation 3**: Collect transactional pricing for the gTLD marketplace.

**Rationale/related findings**: The lack of transactional data will continue to hinder future CCT Review Teams' efforts to analyze competition between registries in the domain marketplace.

**To:** ICANN organization. Although ICANN was able to obtain base wholesale prices from registries, individual domain transactions are often sold at either a significant discount as part of promotional campaigns, or at a significantly higher price than the baseline price for certain premium domains. For some TLDs, the Review Team believes that a large fraction (even a substantial majority) of domains were been sold at discounted prices. Therefore, any pricing analysis based solely on the base wholesale price is unlikely to correctly capture the competitive dynamics in the marketplace.

**Prerequisite or Priority Level:** Medium

**Consensus within team:** Yes

**Details:** ICANN or an outside contractor should attempt to acquire at least some samples of wholesale price information from registries on a regular basis and provide necessary assurances that the data would be treated on a confidential basis. The data could then be used for analytic purposes by the ICANN organization and by others that execute non-disclosure agreements.

**Success Measures:** The availability of relevant data for use by the ICANN organization, contractors and the ICANN community for its work in evaluating competition in the DNS space.

**Recommendation 4**: Collect retail pricing for the domain marketplace.

**Rationale/related findings**: The lack of retail data will continue to hinder future CCT Review Teams' efforts to analyze competition between registries and TLDs in the domain marketplace. One of the anticipated benefits of increased competition from the introduction of new gTLDs would be lower prices for domain names to registrants. Prices charged by registrars to registrants are the best indicator of this potential consumer benefit. In addition, retail prices offered to the public will generally be accessible through registrars' public websites and will not require additional disclosures to ICANN by contracted parties. (Note that some registrars, such as those providing corporate/brand protection services, do not publish their prices and therefore would not be represented in a survey of publicly available prices.)

**To:** ICANN organization

**Prerequisite or Priority Level:** Low

**Consensus within team:** Yes

**Details:** ICANN does not currently make use of retail price data that can be obtained directly from public sources such as https://tld-list.com/ and https://namestat.org. We recommend that ICANN

develop the capability to analyze these data on an ongoing basis. Alternatively, an amendment to the Registrar Accreditation Agreement would ensure the availability of this data with all due diligence to protect competitive information.

**Success Measures:** The availability of relevant data for use by the ICANN organization, contractors and the ICANN community for its work in evaluating competition in the DNS space.

**Recommendation 5**: Collect parking data.

**Rationale/related findings**: The high incidence of parked domains suggests an impact on the competitive landscape, but insufficient data frustrates efforts to analyze this impact. The Review Team was able to obtain a point-in-time snapshot of legacy gTLD parking rates, but a more robust analysis of the impact of parking on the gTLD marketplace would require both trend data over time as well as further study of the impact of parking on the marketplace, such as the influence on renewal rates.

**To:** ICANN organization

**Prerequisite or Priority Level:** High

**Consensus within team:** Yes

**Details:** ICANN should regularly track the proportion of TLDs that are parked with sufficient granularity to identify trends on a regional and global basis.

**Success Measures:** The availability of relevant data for use by the ICANN organization, contractors and the ICANN community for its work in evaluating competition in the DNS space.

**Recommendation 6**: Collect secondary market data.

**Rationale/related findings**: The presence of price caps in certain TLDs hinders efforts to comprehensively analysis competitive effects. The true market price may very well be above the caps. Accordingly, the secondary market is the best place to see price movement.

**To:** ICANN organization

**Prerequisite or Priority Level:** Prerequisite

**Consensus within team:** Yes

**Details:** ICANN should engage with the secondary market community to better understand pricing trends.

**Success Measures:** The availability of relevant data for use by the ICANN organization, contractors and the ICANN community for its work in evaluating competition in the DNS space.

**Recommendation 10:** The ICANN community should consider whether the costs related to defensive registration for the small number of brands registering a large number of domains can be reduced.

**Rationale/related findings:** We found that while most trademarks were either not registered in new gTLDs or in only a handful of new gTLDs, a small number of trademarks were responsible for a large number of registrations across many new gTLDs and were likely bearing most of the cost of registrations. This bimodal distribution suggests that RPMs tailored to certain of these trademarks may be appropriate.

**To:** Subsequent Procedures Policy Development Process (PDP) Working Group and/or Rights Protection Mechanisms (RPM) PDP Working Group

**Prerequisite or Priority Level**: Prerequisite

**Consensus within team**: Yes

**Details:** The review team does not suggest a specific mechanism. However, we believe the uneven distribution of costs of defensive registrations to a small number of trademark holders may be an unanticipated effect of the current RPM regime and that the relevant PDP(s) should therefore consider

whether those costs can be lowered without impacting the benefits of the new gTLD program, therefore improving the overall cost/benefit ratio of the overall program.

**Success Measures:** A reduction in the number of overall number of defensive registrations overall, and in particular a reduction in the number of defensive registrations per trademark by the registrants with the most defensive registrations.