

2007-03-13 - Consideration of .MOBI sTLD Contract Amendment regarding ICANN Fees and Recent Public Comment Period

- **Category:** gTLDs
- **Topic:** Amendment to .MOBI Agreement
- **Board meeting date:** 13 March 2007
- **Resolution number:** 07.14
- **URL for Board minutes/resolution:** <http://www.icann.org/en/minutes/minutes-13mar07.htm>
- **Status:** Completed

Summary

Board authorizes the President and General Counsel to enter into an amendment of the .MOBI Registry Agreement to accept the proposed change in fee structure.

Text

Kurt Pritz presented this item and explained that at its January 16 meeting the Board had considered this matter. The .MOBI Registry proposes to amend their agreement with ICANN to change the amount of fees paid to ICANN. He reminded the Board of advice previously provided that the .MOBI agreement provides for a \$0.75 fee based on a projected \$7.50 to \$12.00 price. Since the original agreement was struck, negotiations for several sTLD's had been concluded and the transaction fee relative to the proposed fees for registrations were different. Staff provided a chart, setting out the various fees and registrations prices for comparison, demonstrating the appropriateness of .MOBI's proposed fee change.

Kurt said the Board had, at its meeting of January 16, 2007, accepted staff's recommendation to post this matter for public comment period of no less than 21 days. He said that the comment period had taken place and that there had been comment from the Chief Executive Officer of Telnic (operator of the .TEL Registry) that .MOBI should be held to the terms of the original agreement and that the agreement should not be altered to reflect the proposed cap. Notwithstanding this comment staff recommends that the Board approve the contract amendment.

Vint Cerf opened the matter for Board discussion. Vittorio Bertola advised the Board that he would abstain from discussion of this item as he was a member of the .MOBI Policy Advisory Board. Rita Rodin similarly advised of her intention to recuse herself from the discussion and any vote on the matter as she had represented the commenting party, Telnic.

Vint Cerf noted that the fees were complex and referred Board members to the draft language for the amendment to the agreement as publicly posted and provided to the Board.

Steve Goldstein said that he still believed, as he had indicated previously, that .MOBI should be forced to live up to the terms that they had negotiated. Vint Cerf indicated that there had been previous examples of contracts being negotiated during their term, where there was a rationale expressed by the other party to the agreement, so this was not precedent setting. He suggested that to not allow renegotiation would in fact be inconsistent with previous Board approaches to contract renegotiation.

Vint Cerf moved and Alejandro Pisanty seconded that the Board approve the following resolution:

Whereas, mTLD Top Level Domain submitted an amendment to Article VII, Section 7.2 (b) of the agreement to change the fees paid to ICANN.

Whereas, the language of the proposed agreement is similar to that approved in existing agreements, results in fees aligned more closely to other registries than the fees in the existing agreement, and represents a fee reduction,

Whereas, ICANN conducted analysis and review of the requested amendment,

Resolved, [07.14] that the President and General Counsel are authorized to enter into an amendment of the .MOBI Registry Agreement to accept the proposed change in fee structure.

Implementation Actions

- Execute Amendment to .MOBI registry amendment.
 - Responsible entity: ICANN Staff
 - Due date: None specified
 - Completion date: 27 March 2007

Other Related Resolutions

- Resolution 05.43, Approval of proposed agreement with DotMobi, Ltd. concerning the .MOBI sTLD (Meeting Minutes 28 June 2005): <http://www.icann.org/en/minutes/minutes-28jun05.htm>.
- Resolution 04.____, Authorizing President and General Counsel to enter into negotiations relating to proposed commercial and technical terms of .MOBI sTLD with applicant (Meeting Minutes 13 December 2004): <http://www.icann.org/en/minutes/resolutions-13dec04.htm>.
- Other resolutions TBD.

Additional Information

- .mobi TLD Sponsorship Agreement: <http://www.icann.org/en/tlds/agreements/mobi/>.
- The resolution does not address funding for the items identified therein.

Explanatory text does not modify or override Resolutions. See [Board Resolutions Page](#) for more information.

Note: The "Add Comment" box below is for sharing information about implementation of this resolution. Off-topic comments will be removed.