



3 December 2019

Göran Marby
President and CEO
ICANN

Dear Mr. Marby,

I write to you with concerns over the pending transfer of the dot org registry, the Public Interest Registry (PIR), from the Internet Society (ISOC) to a private equity firm named Ethos Capital.

While we at Mozilla appreciate the active engagement that Andrew Sullivan and the ISOC board have provided in an effort to explain this transaction and justify it as a move that will serve the public interest, we remain concerned that the nature of the modified contractual agreement between ICANN and the registry does not contain sufficient safeguards to ensure that the promises we hear today will be kept.

From that perspective, we propose several questions that we would like you to ask of PIR during your consideration and review of the transfer. Should the answers you receive not be sufficient to ensure continued public trust in dot org domains, we respectfully ask you to take all steps within ICANN's power to ensure that the interests of the public and the dot org stakeholder community are protected.

We suggest that public answers to the following would greatly help alleviate the tensions that have arisen:

1. Are the stewardship measures proposed for the new PIR sufficient to protect the interests of the dot org community? If not, what further measures would help?
2. What level of scope, authority and independence will the proposed Stewardship Council possess? Will dot org stakeholders have opportunities to weigh in on the selection of the Council and development of its bylaws and its relationship to PIR and Ethos?
3. What assurances can the dot org community have that Ethos and PIR will keep their promises regarding wholesale price increases? Will there be any remedy if these promises are not kept?
4. What mechanisms does PIR currently have in place to implement the rights protection measures specified under the revised 2019 contract with ICANN, and will those mechanisms change in any way with the transfer of ownership and control? In particular, how will PIR handle requests from government actors?
5. When is the planned incorporation of PIR as a B corp? Are there any repercussions for Ethos and/or PIR if this incorporation does not take place?



6. What guarantees are in place to retain the unique character of the dot org as a home for non-commercial organizations, one of the important stewardship promises made by PIR when it was granted the registry?
7. How long has Ethos committed to stay invested in PIR? Are there measures in place to ensure continued commitment to the answers above in the event of a resale?
8. Finally, possibly most important to ICANN: did ISOC receive multiple bids for PIR? If yes, what criteria in addition to price were used to review the bids? Were the [ICANN criteria originally applied to dot org bidders in 2002](#) considered? If no, would ISOC consider other bids should the current proposal be rejected?

One of [Mozilla's principles](#) is the idea that “a balance between commercial profit and public benefit is critical” to maintaining a healthy internet. Much of the internet ecosystem is, and should be, managed by commercial interests -- but preserving a space that serves the public interest first and foremost is every bit as important in 2019 as it was in 2002. The dot org namespace is a valued and trusted part of that public space, and should remain that way. If control of the registry is to be allowed to shift into commercial hands, extra steps should be taken to ensure that its governance remains accountable to dot org stakeholders and the broader public internet ecosystem.

Sincerely,

A handwritten signature in black ink, appearing to be 'Mark Surman', with a long horizontal flourish extending to the right.

Mark Surman
Executive Director
Mozilla Foundation