

Dear Sirs,

We are writing in response to the advice that you submitted of your own volition, regarding the iPhone app with advanced Whois functionality, which SIDN released at the end of August. Our position on the various points that you raise is outlined below, together with a description of the action we intend to take in response to your advice. Particular attention is given to your concerns regarding the target audience and intended uses of the application, the market strategy and unfair competition.

Target audience and intended uses of the application

The application is indeed intended for end users, not for 'domainers'. A number of constraints have been engineered into the app to make it unattractive for 'domaining'.

Market strategy

As previously indicated, SIDN has no intention whatsoever to offer domain name services directly to the retail market, thus bypassing its registrars. Nevertheless, SIDN has a legitimate interest in being familiar to its registrants, with whom it does, after all, have a direct contractual relationship. SIDN also has an interest in ensuring that the existing level of preference for .nl domain names on the Dutch consumer market is at least maintained, and that the use of such names is promoted. The app supports both of those interests, without directly facilitating individual registrations. The app cannot be used to register domain names; a user who gets information from the app has to go to a registrar in order to obtain services. It is worth noting that we consciously decided against providing the app with referral functionality.

Unfair competition

We currently provide a public Whois service. Indeed, the provision of that service using whatever platforms we see fit is one of our core tasks. Furthermore, our provision of that service does not constitute unfair competition, even though registrars are able to offer a similar service. Nevertheless, we accept the point that is made regarding the 'Alike' function. Regardless of the general fairness of the competition formed by the app, it is indeed the case that we are able to offer this particular functionality, while registrars are not (yet) able to do so. On the other hand, the apps offered by registrars have the advantage that they can be used to register domain names; registration is not possible using the SIDN app and there are no plans to make it possible.

Summary

We are unable to agree to your request that we should withdraw the app from the market, because we regard the provision of a Whois service via a popular platform such as the iPhone as one of our core tasks. However, we are prepared to modify the app by removing its 'Alike' function. The modification will be made very shortly; we will send you confirmation as soon as we have made it, and the new product is live.

Kind regards,

Sieger Springer