



ICANN Organization Response to Comments Received Registry Agreement Termination Process - .mobyly

03 July 2019

On 28 February 2019, GreenTech Consultancy Company W.L.L. (GreenTech) [notified ICANN org](#) of its intent to terminate the .mobyly Registry Agreement entered into on 18 December 2014. Pursuant to Section 4.4(b) of the Registry Agreement, Registry Operator may terminate the Registry Agreement for any reason upon one hundred eighty (180) calendar day advance notice. Pursuant to the terms of Section 4.5 of the Registry Agreement, ICANN org consulted with GreenTech to assess whether to transition operation of the .mobyly top-level domain (TLD) to a successor Registry Operator.

On 29 April 2019, ICANN org made a [preliminary determination](#) that operation of the .mobyly TLD need not be transitioned to a successor Registry Operator. This initiated a 30-day comment period that concluded on 29 May 2019. During the comment period, two (2) comments were received. Below is a summary and analysis of the comments.

Comment Received	ICANN org Summary and Analysis
Mr. Wael Nasr of Mobyledots L.L.C. on 4 May 2019	<p>In response to the Preliminary Determination for the xn--mgybb9fbpob and .mobyly TLDs, ICANN org received a comment from Mr. Wael Nasr, Chairman of Mobyledots L.L.C., asserting that one of the grounds ICANN org listed as supporting its preliminary decision not to appoint a successor Registry Operator was incorrect: "*--Registry Operator [GreenTech Consultancy Co. W.L.L. ("GreenTech")] does not sell, distribute or transfer control or use of any registrations in the TLD to any third party that is not an Affiliate of Registry Operator.*"</p> <p>In support of his statement, Mr. Nasr provided a description of a third party dispute between GreenTech and Mobyledots regarding the intended registry operators of the xn--mgybb9fbpob and .mobyly TLDs.</p> <p>ICANN org notes that it has previously been made aware of this third party dispute multiple times but has never received any documentation, such as a court order, invalidating the current Registry Operator of record. Furthermore, it is not within the remit of ICANN org to transfer the TLDs to a specific successor Registry Operator (such as Mobyledots L.L.C., as Mr. Nasr requests) through this termination process.</p> <p>ICANN org appreciates Mr. Nasr's comment, however the information in the comment received from Mr. Nasr does not change ICANN org's original assessment that operation of the xn--mgybb9fbpob and .mobyly</p>

	<p>TLDs need not be transitioned to a successor Registry Operator. That assessment was based on various factors which remain unchanged, including ICANN org’s determination that transitioning the TLD is not necessary to protect the public interest as well as GreenTech’s attestation, and ICANN org’s verification, that GreenTech does not sell, distribute or transfer control or use of any registrations in the TLD to any third party that is not an Affiliate of Registry Operator.</p> <p>As such, ICANN org will process the voluntary termination request submitted by the Registry Operator of record pursuant to Sections 4.4(b) and 4.5 of the Registry Agreement.</p> <p>ICANN org notes that it is possible for an interested party to have the opportunity to apply for these or other TLDs in a future round of new gTLD applications.</p>
<p>Mr Wael Nasr of Mobyedots L.L.C. on 12 May 2019</p>	<p>Mr. Nasr, Chairman of Mobyedots L.L.C., requested confirmation that ICANN org received his comment from 4 May 2019. ICANN org confirmed receipt of the comment.</p>