

**DOMAIN NAME SYSTEM: CAN COMPETITION FIX A
FLAWED SYSTEM?**

A THESIS

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Abstract

This work is part of an ongoing research project that intends to contribute to the international discussion about ICANN's role in the administration of the Domain Name System (DNS). Its final aim is to shed some light on the conditions that would help enhance the functionality and utility of the system for all Internet users

Specifically, this paper concerns itself with the DNS and the registration policies the Internet Corporation for Assigned Names and Numbers (ICANN) has enacted since it undertook its administration. After analyzing the evolution of disputes between domain names and trademark rights, it moves on to conclude that ICANN is unjustifiably overprotecting trademark rights. These actions are not consistent with the founding principles that inspired ICANN's creation and that constitute the framework against which its actions should be measured. By artificially restricting competition (with all the inefficiencies and costs that this implies) in the DNS, ICANN is jeopardizing the optimal functionality of the system.

The conclusion drawn from this analysis leads to the second part of this work that intends to answer the question as to what a better registration policy for the DNS would be. The starting point of this analysis is to assume competition in the DNS would bring about results that are socially desirable in the DNS. Using an analytical framework inspired in the writings in regulatory competition, this work concludes that the DNS should be opened to competition provided a few issues are left to a centralized

coordinating authority. The lessons drawn from this analysis are used in the proposal of a registration policy that would effectively advance ICANN's principles of incorporation.

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