

20th February 2012

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Dear Ms. Clay,

EBA Opinion to the ICANN on the planned Top Level Domain Names '.bank' and '.fin'

I am writing to you in relation to the new Top Level Domain names (TLD) that ICANN has recently launched and more particular in relation to those ending in '.bank' and '.fin'.

I understand that your organisation (and the US-based Financial Services Roundtable) has been in contact with some supervisory authorities of EU Member States in relation to this topic, some of whom raised this also within the framework of the European Banking Authority (EBA).

The EBA, as you might know, is one of three European Supervisory Authorities (ESAs) which were set up as European agencies in 2011 (for EBA please see Regulation EU No 1093/2010 and for further information at www.eba.europa.eu). It is part of the European System of Financial Supervisors (ESFS), and it is entrusted with various tasks in the area of banking regulation in the European Union. Besides its objectives from a prudential supervision perspective, it is also tasked and empowered by the EBA regulation to act with the view to protecting consumers of banking services in the European Union. The EBA's Board of Supervisors comprises the heads of the authorities competent for the supervision of credit institutions in all EU Member States as well as in the European Economic Area (EEA) states; and representatives, as observers, of other EU institutions, such as the European Central Bank, the European Systemic Risk Board, the European Commission, and the other ESAs, namely EIOPA and ESMA.

The EBA has had the opportunity to examine the issue of the envisaged new Top Level Domains (TLDs) ending in '.bank' and '.fin' in detail and to discuss it in the latest meeting of its Board of Supervisors in December 2011. It has come to the conclusion that there are many supervisory concerns surrounding the operation of the proposed TLDs by the ICANN, relating mostly to the great potential, according to the EBA view, for misuse by unscrupulous individuals, and that, therefore, any plans for their operation should ideally be discontinued.


It is the view of the EBA that potential mitigating measures such as those which, we understand, are envisaged by the ICANN (creation of separate entity for the registration and control of these TLDs, or other technical ways to ensure the security of the system) do not necessarily mitigate the financial supervisors' concerns. The potential for consumers of financial services to over-rely on what might be perceived as 'regulatory endorsement' of the companies operating under such TLDs is immense, and the risk for new types of fraud and 'phishing' can be enormous. The same can be said of the danger for confusion regarding the operation of legitimate websites by 'true' financial institutions and regulated entities. This could lead to the need for them to establish costly and complex legal or commercial initiatives in order to safeguard their trademarks from frauds and abuses.

We understand that a consultation on these new planned TLDs has been completed, and that indeed registration for these began already in the beginning of January of this year. We nevertheless hope that there is still the possibility of taking into account the EBA views, finalised only recently, in view of the recent establishment of the EBA and its involvement in consumer protection issues.

In any case, and if the operation of these new TLDs were to be rolled out as planned for this year, the EBA is envisaging, as a minimum required action for ensuring the safeguarding of the interests of consumers of banking services in the EU, the issuance of a public consumer alert, warning them of the risks of these new TLD conventions and the need to be pro-active in checking that the websites used are indeed the sites of regulated entities.

In conclusion, we would invite the ICANN to consider the attached EBA opinion (soon to be published on the EBA website and forwarded to other EU institutions for information). It is hoped that due attention and merit will be given to the concerns of supervisory authorities around the EU in relation to the project on the TLDs ending in '.bank' and '.fin'.

Yours sincerely



Andrea Enria
Chairperson