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April 10, 2009

Internet Corporation for Assigned Names and Numbers (ICANN)
4676 Admiralty Way, Suite 330
Marina del Rey, CA 90292-6601

Re: ICANN's Proposed New gTLDs

Dear Sir/Madam:

Adobe Systems Incorporated ("Adobe") respectfully submits the following comments regarding ICANN's proposed generic Top Level Domains proposal, specifically with regard to the updated "New gTLD Applicant Guidebook Version 2 (V2)", released on February 19, 2009.

We refer to our letter of December 12, 2008, submitted to ICANN during the initial public comment period. That letter conveyed Adobe's concern that sufficient means of trademark and intellectual property protection were not adequately and effectively addressed in the initial gTLDs proposal and guidebook. We expressed our further concerns regarding the excessive cost and efforts involved in registering and administering new gTLDs, as well as the inadequately defined application and dispute resolution processes that placed the burden on trademark owners to prevent registration of new gTLDs that infringe on their marks.

Regrettably, after reviewing the 2nd Version of the Draft Applicant Guidebook (the "New Guidebook"), as well as the accompanying Analysis of Public Comment, we find that the concerns we raised in our letter of December 12 remain. While ICANN made minimal changes to the cost scheme, it remains prohibitively high. In addition, while the New Guidebook does detail changes in the application and dispute resolution procedures, it is still unclear how the entire process will function and what mechanisms will be put in place to protect trademark owners. The major issue which remains unresolved - and which is the most critical to brand owners - is that of trademark protection, and the New Guidebook has failed to address this issue adequately.

We understand that ICANN's intellectual property constituency will convene an Implementation Recommendation Team (IRT) to develop and propose solutions for consideration at ICANN's Sydney meeting in June. Adobe welcomes both this focus on trademark issues and recent statements by ICANN executives that trademark rights should not be undermined by the introduction of new TLDs. Adobe believes that concrete and comprehensive forms of intellectual property protection are required both to enforce and defend trademarks, as well as to combat fraud, confusion and cybersquatting.

We trust that the next version of the Draft Applicant Guidebook will outline these proposed strategies and remedies in significant detail.

Adobe commends ICANN for considering the comments of respondents and consulting with the IP community. However, the New Guidebook does not provide adequate solutions for brand owners. We still believe there is much work that needs to be done by ICANN to address the concerns of trademark owners regarding the new gTLD proposal.

Adobe looks forward to working with ICANN to identify solutions that would better address the concerns of Adobe and other trademark owners. Please feel free to contact the undersigned if you have any questions about this submission.

Sincerely,

A handwritten signature in blue ink that reads "Daniel C. Poliak". The signature is written in a cursive, flowing style.

Daniel C. Poliak
Associate General Counsel
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