



November 22, 2009

Mr. Peter Dengate-Thrush  
Mr. Rod Beckstrom  
ICANN  
4676 Admiralty Way, Suite 330  
Marina del Rey, CA 90292-6601

RE: Comments of Yahoo! Inc. to the Third Draft Applicant Guidebook

Dear Mr. Dengate-Thrush and Mr. Beckstrom:

Yahoo! Inc. ("Yahoo!") is pleased to submit these comments in response to the third version of the Draft Applicant Guidebook (DAG) released on October 2, 2009. Yahoo! is a leading global Internet brand and one of the most trafficked Internet destinations worldwide. With more than 500 million users around the globe, Yahoo! is focused on powering its communities of users, advertisers, publishers and developers by creating indispensable experiences built on trust. Our company is headquartered in Sunnyvale, California and has a presence in more than 20 markets and regions worldwide. In addition, Yahoo! has actively participated within the ICANN process for many years.

We appreciate the opportunity to participate in this public discourse along with ICANN and the larger stakeholder community. We were pleased to hear Mr. Beckstrom state in his opening remarks at the recent ICANN meeting in Seoul that the timing for the new gTLD rollout will not be addressed by the ICANN Board until ICANN has adequately addressed the threshold issues of security and stability, trademark protection, malicious conduct and economic analysis of the demand for new gTLDs. Yahoo! believes that it is essential to the successful rollout of any new gTLDs that these issues are effectively addressed prior to the introduction of any new TLDs into the DNS.

While Yahoo! is pleased to hear that ICANN is taking a more realistic approach to the introduction of new gTLDs, we remain concerned about ICANN building adequate trademark protections into its proposed program. As we stated in our public comments dated July 6, 2009 on the Final IRT Report, Yahoo! is supportive of the tapestry of recommended protections set out in the Final IRT Report. Unfortunately, however, only one of the solutions recommended by the IRT was included in the latest iteration of the DAG. Specifically, DAG v3 includes the requirement that all new TLD registry operators must provide a Thick Whois. Yahoo! applauds the inclusion of this recommendation into the DAG.

In contrast, however, ICANN failed to include any of the other proposed mechanisms that formed the tapestry of solutions designed to thwart trademark abuses set forth in the IRT Final Report. Specifically, ICANN disregarded the recommendation for a Globally Protected Mark List, amended the recommended IP Clearinghouse and Uniform Rapid Suspension system proposals (while, at the same time, referring these two proposals to the Generic Names





Supporting Organization (“GNSO”) for further consideration) and completely revised the recommended Post-Delegation Dispute Mechanism so that this proposal is now totally unacceptable to the registry community. Additionally, all changes were made without any participation of the panel of experts that served on the IRT. Accordingly, many Internet stakeholders are confused about the current status of the proposed new gTLD rollout and what, if any trademark protections will be included in ICANN’s implementation plan. Yahoo! is hopeful that efforts to abate this confusion will transpire when the Special Trademark Issues committee, formed by the GNSO, issues its report and ICANN announces its plans for resolving the remaining threshold questions, in which ICANN itself, identified as the remaining three overarching issues.

Once again, Yahoo! wants to emphasize that we continue to believe that any expansion of the DNS must be in a controlled fashion and for a specific purpose, such as the careful introduction of country specific IDNs in order to meet the Internet demand in non-ASCII characters. Similarly, Yahoo! believes that gTLDs with upfront verification mechanisms for registrants such as .museum, .aero, .coop and .cat may be more appropriate candidates for introduction into the DNS. In contrast, Yahoo! remains convinced that there is no demonstrated need to expand the pool of completely open gTLDs beyond those entered into the root in previous rounds of expansion.

In summary, Yahoo! remains very committed to working with the ICANN stakeholder community to craft workable solutions to the outstanding issues facing the proposed new gTLD rollout. There is still a great deal of work that needs to be done before ICANN will resolve the overarching issues it has identified as central to the expansion of the DNS, and Yahoo! urges ICANN to continue to explore solutions so that the community can fully resolve these issues before moving forward with the rollout of any new gTLDs.

Kind regards.

**Yahoo! Inc.**

/s/

J. Scott Evans  
Senior Legal Director -  
Global Brand & Trademarks



Intentionally left blank