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Internet Corporation for Assigned Names and Numbers (ICANN)  
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**RE: Comments on New gTLD Applicant Guidebook 6<sup>th</sup> Revision**

We appreciate the opportunity to comment on the current revision of the Draft Applicant Guidebook, and sincerely applaud ICANN's effort in keeping with its schedule, which was approved by the ICANN board on March 18, 2011.

**General Comments on the New gTLD Program**

It is our impression that the development of the rules and process for applying for New gTLDs is near completion. We recognize the hard work of the ICANN staff and Board of Directors in keeping with the approved schedule and we remain extremely hopeful that the Board can cooperatively work with the GAC and other stakeholders in the community to ensure this program gets off the ground in a successful and timely manner.

**Trademark Claims Service**

Trademark Clearinghouse Section 6.1.1 states, "New gTLD Registry Operators must provide Trademark Claims services during an initial launch period for marks in the Trademark Clearinghouse. This launch period must occur for at least the first 60 days that registration is open for general registration."

The rule requiring New gTLD Registrars to implement the Trademark Claims service for "at least the first 60 days" of general registration seems quite arbitrary. We question the rationale behind this rule and would suggest that trademark infringement, mistaken or purposefully, extends well into the life of a TLD. This rule should be done away with, or edited to be required continuously throughout the operation of the registry.

## **Uniform Rapid Suspension (URS)**

We welcome several of the changes that will likely reduce the time and effort involved in filing a complaint.

The “limited loser pays” model suggests that 26 names listed on a complaint are grounds for implementing such a model; we would further like to understand the process that led to the determination of that number.

## **.Brand Issues with Geographical Names at the Second-Level**

Brand TLDs may require the use of “jp” or “Japan” at the second level. According to Specification 5 of the Draft New gTLD Agreement, registries must first initially reserve names on the ISO 3166-1 list. Though it is specified that the applicant may propose a release of these reservations, the process for releasing these names should be outlined in the Final Applicant Guidebook.

Specification 5.5 notes that country and territory names contained in the ISO 3166 list shall be reserved at the second level and specifically points toward only the short form English equivalent of the country or territory name. There is no mention of alpha-3 names. Given the purpose behind the reservation of country and territory names, this leaves some with the question if second level names such as “JPN.TLD” can be registered. Please clarify this in the upcoming version of the guidebook.

## **Letter of Credit**

The current version of the Applicant Guidebook states the following regarding the Letter of Credit (LOC) :

"The LOC is subject to the International Standby Practices (ISP 98) International Chamber of Commerce (Publication No. 590)." *Ref. A-48 Question 50 B (i)*

According to several bank contacts, ISP 98 is not a commonly used LOC outside of the United States and we are of the understanding that under the current requirements Japanese banks will have difficulties obtaining such document.

Thank you again for the opportunity to comment on the current version of the New gTLD Applicant Guidebook as well as the process for the development and deployment of the New gTLD program

Respectfully,

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