



UNITED STATES
OLYMPIC COMMITTEE
1 Olympic Plaza
Colorado Springs, CO
80909

May 13, 2011

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

RE: USOC Comment on the April 2011 Draft Applicant Guidebook for New gTLDs

Dear ICANN Board of Directors,

The United States Olympic Committee ("USOC") submits this letter in response to ICANN's invitation for public comment on the April 2011 "discussion draft" of the new gTLD Applicant Guidebook. The USOC has submitted multiple comments to ICANN throughout this process, expressing concerns about the proposed launch of the new gTLDs and the impact it could have on the Olympic Movement. Both the International Olympic Committee ("IOC") and the USOC have requested that the words OLYMPIC and OLYMPIAD be reserved so that unauthorized third parties cannot take unfair advantage of these terms that enjoy world-wide recognition and international statutory protection.

After discussions held between IOC representatives and members of ICANN in Cartagena, Colombia, ICANN announced that it was considering the special nature of the international statutory protections that safeguard OLYMPIC terminology world-wide and might add such terms to the Reserved Names list. The USOC, along with the IOC, advocates that reserving the words OLYMPIC and OLYMPIAD in the top and second levels of all new gTLDs serves the public interests of the international community and comports with accepted principles of law, not just in the United States, but around the world.

As explained in greater depth by the IOC in its prior and current comments and the supporting documentation it submitted to ICANN, more than thirty nations have enacted *sui generis* legislation reserving exclusive use of the words OLYMPIC and OLYMPIAD to the IOC and its National Olympic Committees. Furthermore, there are over sixty countries that have signed the Nairobi Treaty on the Protection of the Olympic Symbol. Although the Nairobi Treaty focuses on the Olympic Symbol rather than specifically the words OLYMPIC and OLYMPIAD, it does establish special protection for the Olympic Movement as an internationally accepted principle of law.

In its previous comments to ICANN, the USOC has set forth the specific provisions enacted by the U.S. Congress to protect Olympic imagery and terminology including the words OLYMPIC and OLYMPIAD and has expounded upon the reasons Congress felt it necessary to reserve these terms for the USOC's exclusive use in the United States. The USOC depends upon those exclusive rights in order to fund U.S. athletes and the programs supported through the Olympic Movement. The USOC is a charitable organization whose mission is to inspire excellence through sport. The Olympic Movement has played an important role throughout history, not just in the United States but throughout the world.

The USOC strongly fears that its mission will be compromised if Olympic terminology is not protected through the reserved names list. The USOC submits that the current rights protection mechanisms identified in the Applicant Guidebook are sufficient to protect the Olympic Movement, in part because they are expensive and burdensome. In order to protect the value of the OLYMPIC trademarks, our limited resources would be siphoned away from some of the critical programs and athlete funding the USOC now supports. It is vital for the USOC to be able to prioritize its funding and other resources toward its primary mission rather than wasting those resources on defensive registrations and a cumbersome process of filing formal objections against infringing gTLD applications. Instead, the terms OLYMPIC and OLYMPIAD should be placed on the reserved names list for protection, which would allow the USOC to focus on its critical objectives.

The USOC and IOC's request for granting these terms reserved names status has been favorably viewed by ICANN counsel, the Governmental Advisory Committee ("GAC") and the United States Senate. Just this week, the GAC has advised the ICANN Board to approve the request to add OLYMPIC and OLYMPIAD to the Reserved Names list, calling this proposal "the most appropriate form of protection of the global public interest." The GAC specifically seeks the inclusion of this provision in the May 30, 2011 version of the Applicant Guidebook.

In sum, the USOC urges ICANN to add the terms OLYMPIC and OLYMPIAD to the Reserved Names list, which would be consistent with the laws of the United States and numerous other countries around the globe.

Sincerely,

Kelly C. Maser
Kelly C. Maser *by ja*