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May 13, 2011

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 generic Top Level Domains proposal, specifically with regard to the revised discussion draft of the "gTLD Applicant Guidebook," released on April 15, 2011.

While Adobe appreciates ICANN's attempts to strengthen trademark protection, the revised Guidebook appears to offer only minor, incremental improvements rather than robust IP protections. Adobe is deeply concerned that the proposed rights protection mechanisms (RPMs) remain insufficient and that the expansion of new gTLDs will create significant risk and expense for trademark owners and result in extensive confusion among online consumers and the public.

The proposed RPMs contained in the revised Guidebook are both inadequate and limited. First, while trademark claims services are required to be provided during launch and sunrise registration services during pre-launch – these services are severely restricted by only considering "Identical Matches" to trademarks. The Trademark Clearinghouse itself is only utilized during the initial launch phase and is not integrated with other RPMs such as the Uniform Rapid Suspension System (URS). And the URS still does not offer brand owners the option of a permanent transfer of an infringing domain, only providing for its temporary suspension. Regrettably, we conclude that the critical issue of trademark protection remains unresolved in the revised Guidebook, even at this late stage.

We understand that ICANN, according to its proposed schedule, is seeking to release a final Guidebook by May 30, 2011. As it is apparent that much work still remains to be done in the area of trademark protection, we would urge ICANN to depart from their proposed timetable and take the time necessary to address not only the issue of trademark protection but other critical issues that remain unresolved.

Adobe joins with the U.S. House Judiciary Subcommittee on Intellectual Property, Competition, and the Internet, in reiterating their call for ICANN to postpone the launch of any new gTLDs until Congress can examine how an environment of literally hundreds of new gTLDs will impact consumers, Internet users, businesses and brand owners.

ICANN has yet to fully address the overarching issues including trademark protection, security and stability of the Internet, and economic demand that it has committed to resolving prior to the introduction of new gTLDs. Until these issues are satisfactorily and comprehensively addressed, we contend it is premature for ICANN to proceed with the launch of the new gTLD proposal.

Adobe thanks you for your time and attention to this matter. We look forward to working with ICANN to further 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, appearing to read "Daniel C. Poliak".

Daniel C. Poliak  
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