

## **Comments of the International Anti-Counterfeiting Coalition (IACC) on Draft Renewal of the .com Registry Agreement (Draft Agreement).**

The IACC welcomes the opportunity to comment on the Draft Agreement. The IACC has two significant problems with the Draft Agreement, both relating to ICANN's failure to make any provision for VeriSign, operator of the .com registry, to conform with standards applicable to all registries in the new gTLDs – standards which have already been adopted and approved by the ICANN Board after a protracted “bottom up” policy making process.

The two standards are (i) thick WHOIS and (ii) added rights protection measures (RPMs).

Centralized access to WHOIS data through one registry operated portal, as provided for by the thick WHOIS model, creates increased stability and transparency. These benefits arise from uniform access through a single portal and increased uniformity in WHOIS data submission and display.

The IACC supports improved access to accurate domain name registry information in every top-level domain registry. Such access will help prevent abuses of intellectual property, and will protect the public by, among other things, reducing the level of consumer confusion and consumer fraud in the Internet marketplace.

Failure to make any provision for implementation of new RPMS also represents a material failure in the negotiation of the Draft Agreement. As noted by ICANN staff in the Executive Summary, ICANN's stated goal was to level the playing field and to insure that all registries operate according to the same underlying standards. Not only does the Draft Agreement fail to do this with respect to thick WHOIS, it also fails with respect to new RPMs.

The IACC acknowledges that ICANN still has not adequately defined these RPMS through rule-making or selection of service providers to operate these RPMs and that these deficiencies make immediate implementation upon the effective date of the renewal unachievable; but these failures should not excuse VeriSign from operating the largest top-level domain name registry according to the same standards as govern all new gTLD registries for the entire six-year duration of the renewal.

The IACC sincerely hopes that ICANN will return to negotiations with VeriSign in order to reach an agreement which more completely and accurately reflects ICANN's own stated objectives.

The IACC is the world's oldest and largest organization representing exclusively the interests of companies concerned with trademark counterfeiting and copyright piracy. Our members consist of over 200 corporations, trade associations, and professional firms, and represent total annual revenues of approximately \$750 billion. Our brand and copyright owner members represent a broad cross-section of industries, and include many of the world's best known companies in the apparel, automotive, consumer goods, entertainment, pharmaceutical, and other product sectors. The IACC is committed to working with government and industry partners in the United States and elsewhere, to strengthen IP protection by encouraging improvements in the law and the

allocation of greater political priority and resources, as well as by raising awareness regarding the enormous—and growing—harm caused by IP violations.