



Property Casualty Insurers

Association of America

Advocacy. Leadership. Results.

DAVID M. GOLDEN
SENIOR DIRECTOR, COMMERCIAL LINES

February 25, 2013

Daniel Halloran
Internet Corporation for Assigned Names and Numbers
via E-mail

Re: PCI Comment on Adding "Public Interest Commitments" From gTLD Applications to Registry Agreements

Dear Mr. Halloran:

The Property Casualty Insurers Association of America (PCI) is the largest home, auto and business insurer trade association in the United States. Our more than 1000 member insurers write nearly 40 percent of property-casualty premium in the U.S. PCI's mission is to promote and protect the viability of a competitive private insurance market for the benefit of consumers and insurers.

Adding a "Public Interest Commitments Specification" to the Generic Top Level Domain (gTLD) Registry Agreement is critical to the success of new gTLDs. The gTLD application does not contain any binding commitment by applicants to follow through with the public interest and rights protection mechanisms that they describe in their applications. Common sense dictates that all commitments made in gTLD applications should legally bind successful applicants. PCI commends ICANN for discovering the error and taking action to correct it. We also support ICANN's provision for successful applicants to adopt additional public interest commitments in the Registry Agreement.

Public interest commitments are closely tied to trademark protections for second level domain registrations within the new gTLDs. ICANN's trademark rights protection mechanisms remain weak. In fact, the current gTLD Registry Agreement spends less than one page (out of 61 pages) on trademark protection. PCI again urges ICANN to beef up its trademark rights protection mechanisms. At this time, the Limited Preventive Registration mechanism is the best alternative under consideration at ICANN, and we again urge ICANN to adopt Limited Preventive Registrations as a step toward effective trademark protection.

Finally, ICANN's invitation to comment on public interest commitments mentions "a new dispute resolution mechanism that will be available to any party harmed by a registry operator's failure to comply with such public interest commitments." Unfortunately, it provides no details. Since this mechanism will become a critical protection for both consumers and businesses that conduct Internet transactions, PCI urges ICANN to publish its draft mechanism at the earliest possible date and invite public comments on that "new dispute resolution mechanism."

PCI supports amending ICANN's gTLD Registry Agreement to make public interest commitments in both the gTLD application, and in the registry agreement itself, legally binding upon gTLD applicants.

Sincerely

David M. Golden

David M. Golden