



copyright alliance

Connecting creators · Protecting creative work

March 20, 2013

Dr. Stephen D. Crocker, ICANN Board Chair
Fadi Chehadé, ICANN President and CEO

Re: Reply Comments, Revised New gTLD Registry Agreement Including Additional Public Interest Commitments Specification

Dr. Crocker, et al.,

The Copyright Alliance, on behalf of our membership, welcomes this opportunity to reply to comments regarding the revised draft of ICANN's New gTLD Registry Agreement. The Copyright Alliance fully endorses both the comment submitted by the Coalition for Online Accountability (Comments of Coalition for Online Accountability, Metalitz, Steven, February 26, 2013) on proposed changes and the comment from the National Telecommunications and Information Administration (NTIA) (Comments of the US Government, Fiona Alexander, February 26, 2013) urging adoption of enhanced safeguards for strings related to the creative sector.

The Copyright Alliance is a non-profit public interest and educational organization that is supported by nearly forty entities comprised of individual artists and creators, as well as the associations, guilds, and corporations that invest in and support them. Besides these institutional members, we represent more than 7,000 individual "One Voice Artist Advocates" who give their personal time and creativity to support our work.

The Copyright Alliance is committed to promoting the cultural and economic benefits of copyright, providing information and resources on the contributions of copyright, and upholding the contributions of copyright to the fiscal health of the nation and for the good of creators, owners, and consumers around the world. Among other principles, we seek to promote appropriate copyright protection and enforcement to encourage the creation and lawful distribution of works, with fair compensation to the authors of creative works. While many of the entities we represent are small businesses and individual creators, all who participate in the copyright ecosystem have an interest in a lively and legitimate online marketplace.

The Copyright Alliance endorses in full the proposed revisions offered by the Coalition for Online Accountability (COA) in its comment submitted February 26, 2013. COA offers a number of specific proposals that, taken together, will ensure that the public interest is accounted for by registries of new gTLDs.

The Copyright Alliance also seconds the NTIA's call for the adoption of enhanced

safeguards for top level domains related to the creative sector. As the NTIA notes in its comment, providing safeguards such as ensuring that WHOIS data is verified, authentic, and publicly accessible and providing an enforceable guaranty that a domain name will only be used for licensed and legitimate activities will go a long way in helping protect against online infringement and counterfeiting. The COA has previously submitted a more in-depth look at specific safeguards, available online at http://www.onlineaccountability.net/pdf/2012_Mar06_ICANN_EnhancedSafeguards.PDF

If introduced without safeguards, domains such as .music, .movies, and .games are susceptible to abuse by profiteers seeking a façade of legitimacy. While these safeguards are important to all stakeholders, they are especially vital to individuals and small businesses who often lack the resources to effectively protect their creative works online. Without safeguards like those above, anonymous and untraceable actors can operate infringing sites well beyond the reach of these creators, threatening their livelihood and causing a chilling effect on their expressive contributions.

We appreciate your consideration of these proposed revisions and enhanced safeguards, as they would promote and heighten the legitimacy of gTLDs, as well as protect stakeholders and individuals in the creative community. Please do not hesitate to contact us for any further discussion.

Thank you,

Sandra Aistars
Executive Director
The Copyright Alliance