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March 7, 2013

Dr. Stephen D. Crocker, Chairman of the Board
Mr. Fadi Chehadé, President & CEO
Mr. Cherine Chalaby, Chair of the New gTLD Committee
Internet Corporation for Assigned Names and Numbers (ICANN)
12025 Waterfront Drive, Suite 300
Los Angeles, CA 90094

Re: Closed Generic Top-Level Domains (gTLDs)

On behalf of the Association of American Publishers (AAP)¹, I am writing to express the opposition of U.S. book and journal publishers to closed generic gTLD applications generally and, in particular, to the closed generic gTLD application submitted to ICANN by Amazon EU S.a r.l. for the string BOOK.

For the reasons stated below, allowing a single private company to secure exclusive use of a string like “.book” – a gTLD of vast potential application and scope – would defeat the purposes for which new gTLDs are being authorized and is, therefore, not in the public interest.

The explanations for the introduction of new gTLDs have remained consistent since the Generic Names Supporting Organization (GNSO)² completed its Final Report on the Introduction of New Generic Top-Level Domains nearly six years ago. In addition to demand from potential applicants, the effort has been driven by

¹ AAP is the national trade association of the U.S. book publishing industry, with over 300 member companies and organizations that include most of the major commercial book and journal publishers in the United States, as well as smaller and non-profit publishers, university presses, and scholarly societies. AAP members publish literary works in hardcover and paperback formats in every field of human interest, and are active in the ebook and audiobook markets, and also produce computer programs, databases, Web sites and a variety of multimedia works for use in online and other digital formats.

² GNSO is authorized under Article X of the ICANN Bylaws to develop and recommend substantive policies relating to gTLDs.

“the potential to promote competition in the provision of registry services, to add to consumer choice, market differentiation, and geographical and service-provider diversity,” and the belief that expanding the domain name space “will give end-users more choice about the nature of their presence on the Internet.” See Final Report, Part A, at <http://gns0.icann.org/en/issues/new-gtlds/pdp-dec05-fr-part-a-08aug07.htm>.

Yet it seems highly unlikely, if not impossible, that such benefits will be realized if applications for closed registries for generic gTLDs – like the one submitted by Amazon EU S.a r.l. for the proposed new gTLD “.book” – are granted.

The traditional primary meaning of “book” is a literary composition that is published in a written or printed form consisting of pages glued or sewn together along one side and bound in covers. Consequently, it is reasonable to expect that “.book” domains will be sought by authors, publishers, sellers, libraries, literary agents, educators, editors, collectors, illustrators, photographers, printers, binders, archives, clubs, bibliophiles and others – for a myriad of different genres and related matters – in nations throughout the world. In addition, “.book” domains may widely surface in connection with many secondary or idiomatic uses of the word “book” – for example, as a noun referencing financial accounts, records of achievement, or wagers, or as a verb referencing vacation and travel arrangements, entertainment reservations, or even charges of criminal conduct.

But these widespread uses will not occur if a “.book” registry application that was filed by Amazon EU S.a r.l, a wholly-owned subsidiary of the global online retailer Amazon.com, Inc. is granted. This is clear from the applicant’s stated intentions in response to the formatted questions. See <https://gtdresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/992?t:ac=992>.

Representative excerpts of Amazon’s intentions include:

18(a). Describe the mission/purpose of your proposed gTLD.

“The mission of the .BOOK registry is to provide a unique and dedicated platform for Amazon while simultaneously protecting the integrity of its brand and reputation.”

18(b). How do you expect that your proposed gTLD will benefit registrants, Internet users, and others?

“Amazon values the opportunity to be one of the first companies to own a gTLD.”

“Amazon will continually update the Domain Management Policy as needed to reflect Amazon’s business goals and, where appropriate, ICANN consensus policies.”

“All domains in the .BOOK registry will remain the property of Amazon.”

Describe whether and in what ways outreach and communications will help to achieve your projected benefits.

“There is no foreseeable reason for Amazon to undertake public outreach or mass communication about its new gTLD registry because domains will be provisioned in line with Amazon’s business goals.”

28.1 Abuse Prevention and Mitigation

“.BOOK will be a single entity registry, with all domains registered to Amazon for use in pursuit of Amazon’s business goals. There will be no re-sellers in .BOOK and there will be no market in .BOOK domains. Amazon will strictly control the use of .BOOK domains.”

In short, Amazon makes clear that it seeks exclusive control of the “.book” string solely for its own business purposes, notwithstanding the broad range of other companies, organizations and individuals that have diverse interests in the use of this gTLD or its second-level domains by others or themselves.

AAP believes that ICANN approval of such an application would not be in the public interest.

On the same day last month that ICANN opened its Comment Period on “Closed Generic” gTLD Applications, it also opened a Comment Period on a revised draft of a New gTLD Registry Agreement that will serve as the contractual document between successful New gTLD Applicants and ICANN, and will govern the rights and obligations of new gTLD registry operators, including under a new “Public Interest Commitments Specification.” See <http://www.icann.org/en/news/public-comment/base-agreement-05feb13-en.htm>.

None of the provisions of the revised New gTLD Registry Agreement, including its new “Public Interest Commitments Specification,” refer to any of the GNSO rationales for introducing the new gTLDs. There is no mention of “the potential to promote competition in the provision of registry services, [and] to add to consumer choice, market differentiation, and geographical and service-provider diversity.”

Worse yet, the new “Public Interest Commitments Specification” purports to do little more than hold the new Registry Operator to whatever “public interest commitments” were made in its application for the new gTLD registry. It states that a Registry Operator “will operate the registry for the TLD in compliance with all commitments, statements of intent and business plans stated in the following sections of Registry Operator’s application to ICANN for the TLD, which commitments, statements of intent and business plans are hereby incorporated by reference into this Agreement.”

AAP urges ICANN to explicitly link the “Public Interest Commitments” in its new gTLD Registry Agreement to the GNSO rationales regarding the promotion of competition, consumer choice, market differentiation, and geographical and service-provider diversity. If ICANN turns those rationales into “Public Interest Commitments,” it may add real meaning to the obligation that it undertook in the September 2009 “Affirmation of Commitments By the United States Department of Commerce and the Internet Corporation for Assigned Names and Numbers, <http://www.icann.org/en/about/agreements/aoc/affirmation-of-commitments-30sep09-en.htm>. It would provide important standards for ICANN’s stated commitment to “organize a review,” if and when new gTLDs have been in operation for one year, “that will examine the extent to which the introduction or expansion of gTLDs has promoted competition, consumer trust and consumer choice, as well as effectiveness of (a) the application and evaluation process, and (b) safeguards put in place to mitigate issues involved in the introduction or expansion.” *Id.*

In the meantime, in response to its request for public comment on the “closed generic” gTLD applications, AAP urges that the Amazon application for “.book” and others of its ilk should not be adopted without an affirmative objective showing by the applicant – and a corresponding finding by ICANN – that it would be in the public interest to permit the particular applicant to operate a “closed registry” for the particular generic gTLD at issue.

On behalf of AAP, thank you for giving these Comments your prompt and thorough consideration.

Sincerely,



Allan Adler