

HBO Comments in response to Governmental Advisory Committee Advice regarding
“Safeguards on New gTLDs”

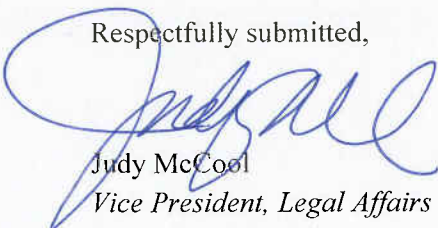
Home Box Office, Inc., together with its subsidiary HBO Registry Services, Inc. (collectively referred to herein as “HBO”) appreciates the opportunity provided by ICANN to comment on Annex I of the Governmental Advisory Committee (GAC) Advice from the Beijing meeting regarding “Safeguards on New gTLDs.” Home Box Office, Inc. is the premium television programming subsidiary of Time Warner Inc. and the world’s most successful pay TV service, providing the two television services – HBO® and Cinemax® – to approximately 114 million subscribers worldwide. The services offer the most popular subscription video-on-demand products, HBO On Demand® and Cinemax On Demand® as well as HBO GO® and MAX GO®, HD feeds and multiplex channels. Internationally, HBO branded television networks, along with the subscription video-on-demand products HBO On Demand and HBO GO, bring HBO services to over 70 countries. HBO programming is sold into over 150 countries worldwide. HBO Registry Services, Inc. is a wholly-owned subsidiary of Home Box Office, Inc. and has applied for the new gTLD .hbo.

HBO recognizes that incorporating the GAC safeguards will advance the goals of the new gTLD program around enhanced competition, choice and consumer trust. As both a brand owner and new applicant, HBO has a keen interest in protecting its brands in light of the new gTLD program while also recognizing that not every safeguard listed by GAC may be appropriate for every new gTLD application.

As a general matter, registries that incorporate the GAC-recommended safeguards will be safer, more accountable spaces for online activities. With respect to the Whois recommendations, everyone benefits when contact data on registrants in new gTLDs is accurate and complete. Users know more about whom they are dealing with, and registry operators are better able to enforce compliance with terms of service and cooperate with law enforcement. Common sense demands that registries prohibit abusive use of registrations to commit fraud, infringe on intellectual property rights, or engage in other illegal activity. Accessible, expeditious and thorough procedures for receiving and acting on complaints are needed if the registry’s commitment to reducing the risks of abuse is to be taken seriously. HBO also recognizes that some safeguards may be inapplicable to some new gTLD applications. For instance, a .brand application where the brand owner will be the only registrant may not need to check Whois data on registrations as the above concerns would not apply in a closed, .brand environment.

We encourage a short and focused period of dialogue between ICANN and the GAC to help clarify the Advice in a manner designed to avoid undue delay in the new gTLD rollout. GAC advice provides a perspective not otherwise provided for in the ICANN process. ICANN should welcome this input from governments on behalf of their citizens, and fold it into the process to the extent feasible – at a minimum with respect to gTLDs where consumers face the highest risk of harm if safeguards are not in place.

Respectfully submitted,



Judy McCool
Vice President, Legal Affairs
Home Box Office, Inc.