



May 14, 2013

Mr. Fadi Chehadé  
President and CEO  
Internet Corporation for Assigned Names and Numbers  
12025 Waterfront Drive, Suite 300  
Los Angeles, CA 90094

Dear Mr. Chehadé:

On behalf of the Association of National Advertisers (ANA), I write to express ANA's support for ICANN's solicitation of public comments on the GAC Advice (the "Advice") submitted by the Governmental Advisory Committee (GAC) to ICANN at its recent meeting in Beijing. Many of the issues raised in the Advice will have significant impacts on trademark holders and consumers alike, and so it is important that affected stakeholders have the opportunity to provide input. Since the GAC consists of representatives of various governments around the world, the significance of the Advice cannot be overstated.

As a general matter, ANA supports most of the proposals in the Advice. In particular, ANA believes that ICANN should reconsider its earlier decision that the singular and plural forms of strings (e.g., ".coupon" and ".coupons," ".auto" and ".autos") will not be confusing to consumers. It is unquestionable that consumers would find it difficult to parse these strings satisfactorily. Common sense, if not previous experience, supports the fact that consumers will be misled by these virtually identical strings. Of even greater concern, inaction on this issue could set the precedent for deception in further TLD application rounds – enterprising applicants could apply for the plural (or singular) forms of popular TLDs, further confusing consumers.

The Advice also states that, in order to ensure that ICANN can manage registrations effectively, ICANN's Registrar Accreditation Agreements (RAAs) with registrars that will manage domain names should be finalized (and in effect with applicants) *before* any new gTLD contracts are approved. ANA agrees with this suggestion, as it is critical that all participants in the process are aware both of their obligations as well as any potential ramifications of non-compliance as we enter the new world of gTLDs. Further, the Advice stated that new gTLD registry operators should use only registrars that have signed the RAA, to ensure they can be held responsible for complying with the RAA. ANA thinks this suggestion also is meritorious, as execution of the RAA should indicate an intention to work in a manner that advances users' interests and should also guarantee enforceability of the agreement (provided that the ICANN Compliance Department can meet the increased enforcement demands).

The Advice also encouraged ICANN to take steps to address ongoing problems with the WHOIS process, and to take into account the GAC's 2007 WHOIS principles and to incorporate the GAC's views into the recently established Directory Services Expert Working Group. Specifically,

the Advice recommended that all new gTLDs should have WHOIS verification and checks; registry operators should conduct these activities at least twice each year; and registrars should be notified if corrections are needed. The Advice also advocated that there should be documentation of WHOIS checks and threats, and there should be a mechanism to identify and correct inaccurate WHOIS information. WHOIS information is vitally important to the public, and accurate information, on an ongoing basis, will permit network administrators to fix system problems, will help to combat inappropriate uses of the Internet (such as spam or fraud), and will facilitate the identification of trademark infringement and other enforcement requirements. ICANN must ensure that a fully vetted WHOIS system is in place, so that consumers and brandholders are not vulnerable to an explosion of phishing, cybersquatting, typosquatting and other cybercrimes. This system must be easy to use, its information must be verifiable, and it must contain mechanisms for corrective action (where necessary). Consequently, ANA supports the Advice's recommended WHOIS improvements.

ANA also supports the GAC's request for more information on ICANN's specifications related to the public interest (e.g., the ability for parties to intervene in proceedings where their interests are implicated, amendments to (and enforceability of) various commitments made by ICANN participants, and the like). All stakeholders in the gTLD ecosystem need to understand ICANN's intentions in this regard.

ANA need not remind ICANN that the Advice creates a "strong presumption" that an inconsistent application should not be approved (especially if the defects are not remediated). Similarly, if the ICANN Board does not follow the Advice and permits the application to advance, the ICANN Board is required to explain its rationale for doing so, and ANA and other affected stakeholders will be following ICANN's actions and explanations closely.

Finally, it appears that ICANN has adopted an overly aggressive timetable with regard to the public comment period regarding the Advice. ICANN's action plan cannot address satisfactorily all of the public interest issues raised during the comment period if ICANN only allows itself a few days to consider the submissions. We urge you to extend this timetable to provide for thorough consideration of the issues raised in the public comment period.

The Internet is too valuable and important to consumers, brandholders and the economy for ICANN not to address the issues raised in the Advice. ICANN must fix the problems the GAC has identified *before* moving forward with the gTLD roll-out.

Thank you for considering our comments. Please do not hesitate to contact me if you would like additional information on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Jaffe". The signature is fluid and cursive, with the first name "Dan" and last name "Jaffe" clearly distinguishable.

Dan Jaffe  
Group Executive Vice President  
Association of National Advertisers