

Indigo

Books & Music Inc.

May 14, 2013

Via e-mail: comments-gac-safeguard-advice-23apr13@icann.org

Re: Indigo's Comments re GAC Advice on Safeguards for New gTLDs - Beijing, China (April 11, 2013)

The following comments are made on behalf of Indigo Books & Music Inc. ("Indigo") to the *Governmental Advisory Committee's Communiqué – Beijing, People Republic of China*, dated 11 April 2013 (the "GAC Advice").

Indigo is a leading Canadian book, gift and specialty toy retailer. Indigo operates in all Canadian provinces under different banners, including !NDIGO, CHAPTERS, THE WORLD'S BIGGEST BOOKSTORE, and COLES. Indigo's online channel, accessible at indigo.ca, features books, eBooks, toys and gifts, among other products. Indigo is Canadian owned and headquartered in Toronto, Ontario.

ICANN has invited comments on Annex I to the GAC Advice, *Safeguards on New gTLDs*. Before providing its comments, Indigo wishes to respond to comments made by various third parties which, in effect, advocate that GAC Advice be ignored by ICANN. It is respectfully submitted that the GAC Advice relates to social policies that affect the entire community. GAC Advice represents an attempt to balance the rights and interests of all stakeholders in the community, including those who do not have the resources to keep abreast of ICANN developments, and participate in the process. Given the high stakes and importance of new gTLDs to the internet, global culture, communication and business, generally, the GAC Advice is of paramount importance, and should be carefully considered, and heeded by ICANN.

Indigo is very concerned by the closed gTLD applications filed by Amazon for the .book, .read, and .author gTLDs. These concerns have already been expressed – see, for example:

<http://forum.icann.org/lists/comments-closed-generic-05feb13/msg00085.html>;

<https://gtldcomment.icann.org/comments-feedback/applicationcomment/commentdetails/12120>; and

<https://gtldcomment.icann.org/comments-feedback/applicationcomment/commentdetails/12118>.

Similar comments were submitted for .read and .author.

Indigo is relieved to see that its concerns are shared by governments around the world, as reflected in the GAC Advice.

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Indigo submits the following comments:

(1) The .book (and the IDN equivalent), .read and .author gTLDs raise similar issues and concerns, and the GAC Advice on *Restricted Registration Policies* and *Exclusive Access* should apply equally to each of these gTLDs.

(2) .book, .read and .author domain names should be indiscriminately available to all. “BOOK”, “READ” and “AUTHOR” are generic terms that are critical to culture, creativity, and the book industry. There is no conceivable public interest goal that would be served by Amazon and its affiliates being granted exclusivity over these generic gTLDs. Amazon itself did not identify ANY public interest goal that would be served in its gTLD applications.

(3) Exclusive or restricted access to the .book (and IDN equivalent), .read and .author gTLDs to Amazon and its affiliates would give Amazon and its related companies a significant commercial advantage in the book industry. Amazon already is a dominant player in the book industry, and if it has exclusive access to these registries, all other stakeholders in the book community are likely to be significantly disadvantaged.

(4) There are no safeguards that could be introduced to draw alternate conclusions than above and that would justify a closed/exclusive .book, .read or .author registry. Nor does Amazon refer to any in its gTLD applications.

For further discussion of these issues and our concerns, please see the comments submitted by Indigo, which are linked to above.

In view of the above, Indigo respectfully submits that ICANN should heed GAC Advice, and that the .book, .read, and .author gTLDs should not be delegated on a closed or exclusive basis to Amazon or any other registry applicant.

Indigo reserves the right to submit further comments and a reply when and if Amazon’s response to GAC Advice has been published.

Yours truly,



Kathleen Flynn
General Counsel

Cc:

Mr. Steve Crocker (steve.crocker@icann.org)
Mr. Cherine Chalaby (cherine.chalaby@icann.org)
Mr. Fadi Chehadé (fadi.chehade@icann.org)
Ms. Heather Dryden (heather.dryden@ic.gc.ca)
Ms. Pamela Miller (Pamela.Miller@ic.gc.ca)
newgtld@icann.org

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