

# brs media inc.

May 13, 2013

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Ms. Heather Dryden  
Chair, Governmental Advisory Committee (GAC)  
235 Queen Street  
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Dear Dr. Crocker and Ms. Dryden,

Thank you for the opportunity to comment on the Government Advisory Committee (GAC) Advice within the Beijing Communique issued on April 11, 2013, specifically to address Section IV.1.b and Annex I which refers to the GAC Advice on "Safeguards on New gTLDs".

While we respect the GAC's attempt to address the risks associated with consumer harm, fraudulent and other illegal activities, in reality, the advice to apply to broad categories of strings does nothing to impede consumer harm, fraud or reduce illegal activities online. The GAC has provided no factual historical data to suggest that some words, terms or "Sensitive Strings", must be more protected or safeguarded than others in the TLD space.

By unsystematically selecting a list of strings and labeling them "Sensitive," with no actual preceding facts, the GAC appears to be attempting to create "Bias Profiling" in the New gTLD space under a concept of dividing strings into categories, for which there is no solid logical rationalization. For example: A domain like [www.live.online](http://www.live.online) represents a "Sensitive String" requiring safeguards for consumer protection and mitigating abusive activity, but [www.online.live](http://www.online.live) would not? The same for [www.baby.care](http://www.baby.care) (under GAC advice) versus [www.care.baby](http://www.care.baby) (no safeguards) or [www.yoga.fitness](http://www.yoga.fitness) vs. [www.fitness.yoga](http://www.fitness.yoga) ? According to the GAC's rationale [www.radio.hiphop](http://www.radio.hiphop) would require additional safeguards, as would [www.hiphop.radio](http://www.hiphop.radio) and [www.country.radio](http://www.country.radio), but domains like [www.radio.country](http://www.radio.country), [www.hiphop.live](http://www.hiphop.live), [www.radio.live](http://www.radio.live) or [www.hiphop.baby](http://www.hiphop.baby), would not require any of the same safeguards for consumer protection.

After more than 15 years of running a profitable and thriving extension in the gTLD space, we believe and have proven the evidence is clear, applying safeguard advice to a broad categories of strings (Annex I) does little to actually mitigating abusive activity or improve consumer protection. In actuality, serves more to carve out a second class set of TLDs through "Bias Profiling," selective strings, given the disorderly nature of the GAC's categorization and muddled choice of strings.

If the Government Advisory Committee is honestly working to address online risks associated with consumer harm, fraudulent and other illegal activities, one would expect safeguards to be uniformly applied across all TLDs, including; ALL New gTLDs, Legacy gTLDs and even the government's own ccTLDs. Imposing these burdens exclusively on a haphazard list of new gTLDs would in no way specifically address consumer harm, nor would it be in any way an; "open manner consistent with general principles of openness and non-discrimination."

The New gTLD Board Committee should refute GAC's broad categories of strings as nothing more than a weak shot at the principles of fairness, transparency, and non-discrimination. If the GAC's actual intent is to address these risks, ICANN and the GAC should do so within the multistakeholder model of ICANN governance.

Sincerely,



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cc:

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**PS:** Ms. Dryden on November 16, 2012, I sent a letter concerning the actions of 'unauthorized trademark use' by a Non-Governmental GAC Observer. As I noted then, infringing on another's Intellectual property rights by a GAC Observer should be a very serious issue. To date, I have not received any explanation from yourself or the Government Advisory Committee, concerning this GAC Observes unauthorized use of other parties Intellectual Property Rights. I would expect that if the GAC is fundamentally concerned about addressing the risks associated with consumer harm, fraudulent and other illegal activities online, it would make "Mitigating abusive activity and handling complaints in regards to trademark infringement" within its own committee a top priority.