

Time Inc. Comments on GAC Safeguards

Time Inc. appreciates this opportunity to submit reply comments regarding the Advice rendered by the Governmental Advisory Committee (GAC) regarding safeguards for new generic Top Level Domains (gTLDs). Time Inc. concurs with the views of an apparent majority of the initial round commenters that ICANN should accept the GAC Advice and apply it to pending new gTLD applications, in order to advance ICANN's stated goal of maximizing legitimate competition and consumer choice in the new gTLD rollout.

Time Inc. is one of the largest branded media companies in the world. The company engages more than 138 million U.S. consumers in print, online and via mobile devices each month. With influential brands such as TIME, FORTUNE, LIFE, PEOPLE, SPORTS ILLUSTRATED, INSTYLE, and REAL SIMPLE, Time Inc. is home to celebrated franchises such as the FORTUNE 500, TIME 100, PEOPLE's Most Beautiful and the SPORTS ILLUSTRATED Swimsuit Issue. Time Inc. ranks among the top 25 media companies online.

Time Inc. has followed the new gTLD rollout process with great interest. While the introduction of more than 1000 new gTLDs might offer potential opportunities for our company, it is also fraught with risk. These risks include the real possibility of danger to the integrity of our most important brands, with the result that our millions of customers worldwide will be misled and harmed. We are also concerned about the likelihood that some of the new gTLDs will function as havens for unauthorized exploitation of Time Inc. content, in violation of copyright laws around the globe.

Our long-standing concerns were heightened when we reviewed some of the new gTLD applications themselves. For instance, of the three applications for .life, only one even refers to our well-established legal rights to this term with respect to magazine publishing; and we question whether even that application provides adequate safeguards against the risks of consumer confusion and unfair competition that are inherent in this new gTLD.

Given this context, we were pleased to see that the GAC, in its Beijing communique, advised ICANN to build into the new gTLD rollout a set of minimum safeguards aimed in great part at reducing these risks. We agree with those initial round commenters who pointed out that the six safeguards listed on pages 7-8 of the GAC Advice, which GAC called on ICANN to apply to all new gTLD registries, are common sense standards that should have come as no surprise to responsible new gTLD applicants. Registry operators need to know who is registering second level domains within their gTLDs; they need to spell out to registrants what uses of these registrations will not be permitted (including uses that infringe the intellectual property rights of others); they need to provide a channel for receiving and acting upon complaints that these rules have been violated; and they need to impose "real and immediate consequences" on registrants who have clearly violated these rules.

The GAC Advice appropriately leaves new gTLD operators with considerable flexibility in how they implement these general safeguards. But requiring all new gTLDs to apply them will result in a new domain space that is far better fortified against the risk of abuse than would otherwise be the case. These six basic safeguards are especially vital for new gTLD strings identified in the Advice as particularly sensitive to abuse, including those targeted to children, health issues, professional services, and intellectual property rights (see pp. 9-10 of the GAC Advice).

ICANN should reject arguments that it should spurn the GAC Advice, or at least defer it to the next round of new gTLD applications, in order to avoid delaying the delegation and actual launch of new gTLDs. First, it is far from clear that any significant delay would occur, considering that ICANN is not ready now to proceed to delegation on any new gTLD applications, for reasons unrelated to the GAC Advice (for

instance, the base agreement that registry applicants would be asked to sign is still not in final form, and has not been approved by the ICANN Board). ICANN has already taken the prudent step of asking new gTLD applicants how they would propose to implement the GAC Advice; this further facilitates incorporation of the Advice into the new gTLD program.

The more important point, however, is that the global public interest in a sound new gTLD launch that truly protects consumer interests and increases competition and choice must prevail over a rigid timetable for launch of new gTLDs at the earliest possible date. While the impatience of many new gTLD applicants may be understandable, the interests of the public at large, as articulated by government representatives through the GAC, must weigh more heavily in the balance.

Time Inc. urges ICANN to move as promptly as possible -- including, if needed, a brief and focused period of dialogue with GAC to clarify any ambiguities in the Advice -- to adopt the GAC Advice with respect to new gTLD safeguards. ICANN's overarching responsibility to act in the global public interest requires that these common sense safeguards be incorporated into the new gTLD program.

Respectfully submitted,

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