



May 29, 2013

Dr Stephen D. Crocker, Chairman of the Board
Mr Fadi Chehadé, President & CEO
M Cherine Chalaby, Chair of the New gTLD Committee
Internet Corporation for Assigned Names and Numbers (ICANN)

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

Re: New gTLD Board Committee Consideration of GAC Safeguard Advice

The International Publishers Association (IPA) is grateful for this opportunity to comment on the advice delivered by ICANN's Governmental Advisory Committee (GAC) with regard to 'Safeguards on New gTLDs.'

Summary

The IPA strongly urges ICANN to support and implement the GAC's advice in this matter.

The IPA endorses the GAC's advice with regard to the six general 'safeguards on new gTLDs' as well as the further safeguards dealing with 'sensitive strings'.

The IPA strongly supports the GAC's advice that 'exclusive registry access' for strings representing generic terms 'should serve a public interest goal.'

The International Publishers Association (IPA) is an international federation of national publishers associations, representing all aspects of book and journal publishing from around the world. Established in 1896, IPA's mission is to promote and protect publishing and to raise awareness for publishing as a force for economic, cultural and political development. Around the world, IPA actively fights against censorship and promotes copyright, literacy and freedom to publish. IPA is an industry association with a human rights mandate.

IPA and the international publishing industry has experience of managing the allocation of identifiers such as International ISBN and ISSN numbering, and is therefore acutely aware of the risks that come with allowing commercial entities to manage unique and valuable metadata and standards.

The IPA strongly urges ICANN to support and implement the GAC's advice with regard to 'Safeguards on New gTLDs.' In general, the GAC is a valuable source of independent advice on matters affecting the citizens who are the creators and consumers of the very internet economy ICANN exists to facilitate. The value of GAC's

advice is especially true in this present case, where questions of competition and consumer choice are at the forefront.

We believe that the GAC advice, if implemented, will reinforce the new gTLD program by enhancing transparency, expanding competition and cementing consumer and stakeholder trust in the entire process.

Governments legislate in the area of Intellectual Property to promote creativity and innovation and to protect the interests of creators and rightsholders. In this regard, the IPA strongly supports GAC's six 'Safeguards Applicable to all New gTLDs' as set out in Annex I of the GAC Beijing Communiqué. We agree that these safeguards should apply to all new gTLDs and be subject to contractual oversight.

The GAC's advice sensibly aligns with reasonable modern business practice. We argue that it is unexceptional to require operators of gTLD registries:

- to be able to identify and to communicate with registrants;
- to mitigate abusive registrants' behavior by explicitly prohibiting illegal activities;
- to ensure that registrants do not perpetrate security threats such as pharming, phishing, malware and botnets;
- to create efficient complaints channels for reporting abuse; and
- to impose appropriate sanctions when abusive or illegal activity occurs.

None of these safeguards should be construed as an imposition or an unnecessary delay. Rather, these safeguards are reasonable and measured, and designed to strengthen the entire process.

The IPA also supports the GAC's assertion that further safeguards are needed for 'sensitive strings'. In particular, the IPA is naturally most concerned with the category of strings (like '.book' and '.author') that are particularly dependent on copyright, and which are included in the GAC advice under the designation 'Intellectual Property' (page 9).

As the IPA argued in its previous submission on 8 March:

The ending '.book' is not just a generic descriptor. It has a connotation of quality, authority, scholarship, authenticity. Potential registrants include authors, agents, bookshops, fan sites or other publishers or book platforms. For many users it may also indicate an original ownership of, or interest in, relevant publishing rights. This means that there is a particular significance in the ownership of a '.book' domain name.

The IPA also supports the GAC's advice that 'exclusive registry access' for strings representing generic terms 'should serve a public interest goal.' The GAC advice identifies '.book' as one of the 'non-exhaustive list of strings that it considers to be generic terms, where the applicant is currently proposing to provide exclusive, registry access.'

The IPA has argued before that a for-profit company should not be able to obtain the right to control all uses of the '.book' ending without safeguards that ensure fair and

equal access. It is in the public interest that the domain name '.book' therefore remains outside of the control of an organization that has an interest in competing with or exerting economic pressure in a contractual commercial relationship on persons who would like to register such a domain name. Such organizations have a recognized commercial interest in obtaining and managing such domain names.

A company that clearly puts its own commercial goals ahead of the interests of the authors and publishers of relevant books, and that would deny a domain registration to the author or publisher of a title on the grounds that they do not subscribe to their extraneous commercial terms, should not be given the right to administer a closed generic gTLD.

Whilst the above has been argued in particular with '.book' domain name in mind, it applies to any other applicant that wishes to maintain a closed registry and has an, at times, opposing commercial motive to influence or exert economic pressure on potential registrants.

If ICANN should require any clarification or further information, the IPA would be pleased to supply it.

Yours sincerely



Jens Bammel
Secretary General