



June 3, 2013

Re: Reply Comments, New gTLD Board Committee Consideration of GAC Safeguard Advice

The Copyright Alliance welcomes this opportunity to submit reply comments regarding “how the New gTLD Board Committee should address GAC Advice regarding safeguards applicable to broad categories of New gTLD strings.” The Alliance joins with other members of the creative industries who recommend accommodation of the GAC Advice to ensure that competition, consumer protection, and rights protection are adequately addressed before implementing the new gTLD program.

The Copyright Alliance is a nonprofit, nonpartisan 501(c)(4) membership organization dedicated to promoting and protecting the ability of creative professionals to earn a living from their creativity. The Alliance represents a diverse array of members in the creative fields who embrace the opportunities provided by a free and open Internet.

The GAC Advice addresses many concerns from those in the creative community about new gTLD strings, especially those that are targeted at sectors that rely on copyright protection. The Copyright Alliance is using this opportunity to submit reply comments to echo and endorse generally comments made by those in the creative community and specifically the Comments of Coalition for Online Accountability [COA], Steven Metalitz, (May 14, 2013).

First, the Copyright Alliance agrees that ICANN should welcome the GAC Advice. As the COA notes, incorporating the GAC Advice would “increase the chances of a successful new gTLD launch.” As a body representing the perspective of sovereign governments, the GAC uniquely speaks to broad issues of public concern. This viewpoint is especially relevant when it is directed at strings directed at copyright sectors. The COA is correct in pointing out that safeguards for strings related to intellectual property “impact broader government objectives in promoting creativity and innovation.” WIPO Director General Francis Gurry said during this year’s World IP Day, “it is this human creativity and inventiveness that is responsible for improving our quality of life in every sphere: our medical care, our transport, our communication, our entertainment. The aim of intellectual property is to promote conditions that help this creativity and innovative capacity flourish across the world.”

The Copyright Alliance is mindful of concerns that incorporating elements of the GAC Advice may result in delay. But it is important to get things right before rolling out new gTLDs. Additionally, as the COA writes, the GAC Advice “realistically could not have been delivered much sooner” because of the scale of the new gTLD process. This scale only reinforces the need to proceed with care.

Next, the Copyright Alliance agrees with GAC Advice on six safeguards that should apply to all new gTLDs. Like the COA, the Copyright Alliance shares the view that these safeguards will reduce the risk of illegal and abusive conduct by domain name registrants and help registry operators to manage abuse when it occurs.

The Copyright Alliance is especially concerned about individual creators and small creative businesses who need accessible and effective mechanisms to address misappropriation of their works. It is already exceedingly difficult for many such creators to minimize unauthorized uses of their works online; the common sense and reasonable safeguards endorsed by the GAC on new gTLDs will help this task from becoming impossible. The Copyright Alliance joins with the COA in stating that “even if ICANN decides not to accept the advice to require the first six safeguards for *all* new gTLDs, it should definitely embrace this advice to the extent that it applies to the ‘sensitive’ gTLD strings listed in Category 1 of Annex I.”

The Copyright Alliance also joins in urging ICANN to accept the GAC Advice to implement five additional safeguards for gTLDs incorporating the more sensitive strings listed in Category 1. The COA notes that implementing mechanisms to facilitate cooperation between registries and relevant regulatory or industry bodies would help “increase the likelihood that a registry’s stated commitment to prevent and remedy abusive use of registrations will be realized in practice, and that any problematic applications of these polices are anticipated and dealt with.”

ICANN has an opportunity to establish a new gTLD program that facilitates competition, consumer choice, and security from the start. The GAC Advice identifies meaningful safeguards, particularly for gTLD strings related to creative sectors, and the Copyright Alliance appreciates the opportunity to ask ICANN to welcome the Advice.

Respectfully submitted,

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