

May 14, 2013

Re: Section IV.1.b and Annex 1 of the GAC's Beijing Communique issued on April 11, 2013 ("GAC Safeguard")

Dear Madam, Dear Sirs,

Rakuten, Inc. (Rakuten) would like to thank ICANN for the opportunity to submit this comment.

Rakuten acknowledges all GAC Advice to the ICANN Board which contains GAC Safeguard to all applied New gTLDs. In particular, we strongly would like to call to attention "Annex 1 - Category 2.2 (Exclusive Access)" which is referred to as "For strings representing generic terms, exclusive registry access should serve a public Interest goal."

From our point of view, GAC Safeguard aligns with our opinions in the activities including the public comment relating to closed generic TLDs posted on March 7th and the objection filed to the ICC on March 13th against the application ".book" made by Amazon EU S.à r.l as follows.

<http://forum.icann.org/lists/comments-closed-generic-05feb13/msg00158.html>  
<http://newgtlds.icann.org/en/program-status/odr/filings>

In the previous public comment, we expressed our concerns and suggestions regarding closed New gTLDs, included once again.

<Our concerns>

1. Could cause an anticompetitive threat
2. Could cause the invasion to the free and equal Internet industry
3. Could cause detriment to Internet users' interests

<Our suggestions>

1. We should not allow the applications to progress further and the application fees should be refunded if the applicants turn down the applications
2. The closed form system (which prevents other organization from use and changes the industry to a monopolistic system) for important industry terms should be changed to an open form system (where all entities have the right to access a system of common registrations)

Rakuten will commend ICANN if the above concerns and GAC Safeguard are taken into account in their final decision. In addition, we strongly suggest applicants attempting to



provide exclusive registry access to cooperate with ICANN to consider GAC Safeguard carefully from all stakeholders point of view.

Rakuten also wishes to respond to comments made by various third parties, which in effect advocate that GAC Advice be ignored by ICANN. Rakuten strongly disagrees with such positions. 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.

We highly appreciate your time for considering our observations. If you have any queries in relation to the above comment, please contact me as follows.

Yours sincerely,  
Rakuten, Inc.

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Rakuten Website  
URL: <http://global.rakuten.com/corp/>