

Comments from Warner Bros. Entertainment Inc. in support of the GAC Advice on
Safeguards on New gTLDs

Submitted May 13, 2013

Warner Bros. Entertainment Inc. (“Warner Bros.”) commends ICANN for providing this opportunity to comment on Annex I of the Governmental Advisory Committee (GAC) Advice on “Safeguards on New gTLDs,” issued in Beijing on April 11.

Warner Bros. is one of the leading creators and distributors of audiovisual content in the United States and around the world. It is a leading producer and distributor in numerous media industries including those relating to motion pictures, television series, animation, video games, and consumer products. It is also a large brand owner, being the proprietor, licensor and licensee of thousands of different trademarks all associated with Warner Bros. or its affiliates as the source of origin and quality control of a multitude of various products and services. Warner Bros. therefore has a keen interest in protecting its interests that may be affected by the new gTLD program. To that end, Warner Bros. enthusiastically applauds the GAC Advice on Safeguards and fully supports their implementation.

Warner Bros. believes that the GAC Safeguards recommendations are absolutely necessary in order to achieve the goals of the new gTLD program of enhancing competition, consumer choice, and consumer trust while not harming the interests of businesses and users. A responsible rollout of new gTLDs which incorporates the GAC-recommended Safeguards will advance these goals.

ICANN should heed the advice of the GAC which provides a perspective not otherwise provided for in the ICANN process. This input from governments, on behalf of their citizens, should not be ignored. Nor is there any reason to ignore the very sound advice from the GAC.

Registries that incorporate the GAC-recommended Safeguards will be safer, more accountable spaces for online activities. With respect to the Whois recommendations, everyone benefits when contact data on registrants in new gTLDs is accurate and complete. Users know more about whom they are dealing with, and registry operators are better able to enforce compliance with terms of service and cooperate with law enforcement. Warner Bros. needs to be able to access accurate information in order to enforce its rights against content pirates, cybersquatters, or other bad actors who seek to harm or confuse its customers. Common sense demands that registries prohibit abusive use of registrations to commit fraud, infringe on intellectual property rights, or engage in other illegal activity. Accessible, expeditious and thorough procedures for receiving and acting on complaints are needed if the registry’s commitment to reducing the risks of abuse is to be taken seriously. Many new gTLD applicants already plan to implement some aspects of this GAC recommendation; requiring that it be so will ensure that all new registries do so. Putting all registrants on notice of these terms, and imposing meaningful consequences for violating them, are simply good business practices that all registries should follow.


Even if ICANN decides not to accept the safeguards for all new gTLD applications, Warner Bros. strongly urges that they be required for all those strings listed in Category 1 of the GAC Advice. Category 1 of the GAC Advice provides a good working list of the new gTLDs where consumers face a higher risk of harm if safeguards are not in place to prevent bad actors from registering, or at least to respond swiftly if registrations are abused. In addition to the strings directed to children, financial services, charity, and professional services, those relating to media are particularly susceptible to intellectual property violations, confusion and abuse. Such strings include, for example, .movie, .film, .book, .news, .game – any of these could be very attractive to trademark or copyright infringers.

Warner Bros. appreciates that some safeguards may be inapplicable to some new gTLD applications. For instance, a .brand application in which the brand owner will be the only registrant may not need to check Whois data on registrations. A prompt and expeditious dialogue between ICANN and GAC should clarify these points.

Warner Bros. further appreciates that registries should have some flexibility in how they implement the safeguards; however it is essential that ICANN maintain the ability to enforce these safeguards through its contracts with new gTLD registry operators.

Warner Bros. strongly urges ICANN to adopt the recommendations of the GAC with respect to Safeguards.

Respectfully Submitted,



Dale Nelson

*Vice President and Senior Intellectual Property Counsel
Warner Bros.
4000 Warner Blvd.
Burbank CA 91522
(818)954 7967
dale.nelson@warnerbros.com*