

September 18, 2013

Mr. Fadi Chehadé
Internet Corporation for Assigned Names and Numbers
12025 Waterfront Drive, Suite 300
Los Angeles, California 90094
USA

RE: Support for Google's Comment regarding the Rights Protection Mechanism, Sunrise Period, and Founders' Programs

Mr. Chehadé:

Thank you for allowing .CLUB DOMAINS to address you regarding our views on the Rights Protection Mechanism and its relationship to the Founders' Programs. .CLUB DOMAINS has a vested interest in protecting the rights of trademark holders, as the absence of adequate intellectual property rights protection on the Internet would compromise the integrity of and consumer confidence in source information they find on the web. For this reason, .CLUB DOMAINS is committed to implementing the most stringent trademark protections and procedures with .CLUB registrants, in order to protect consumers and to ensure that the information they find on .CLUB registered websites is accurately and reliably sourced.

However, we feel strongly that preventing the Founders' Programs will adversely affect .CLUB DOMAINS as well as many other similarly situated gTLD brands and will restrict our ability to educate consumers about new gTLDs. The Founders' Programs are of great importance to our organizations, and we would like to express our support for proposed section 2.2.5, which reads:

“As set forth in Specification 5 of the Agreement, Registry Operator MAY activate in the DNS up to one hundred (100) names necessary for the operation and promotion of the TLD. Pursuant to these Requirements, Registry Operator MAY register any or all of such domain names in the TLD prior to or during the Sunrise Period to third parties in connection with a registry launch and promotion program for the TLD (a “Qualified Registry Launch Program”), provided that any such registrations will reduce the number of domain names that Registry Operator MAY otherwise use for the operation and promotion of the TLD as set forth in Specification 5.”¹

.CLUB DOMAINS specifically endorses Google's proposal in favor maintaining Founders' Programs:

“Given that many new gTLD registries will be focused on specific industries, geographic locations, or demographics, we believe that Founders' Programs that allow prominent figures in those respective markets to pre-register and promote domain names will help accomplish these goals and encourage greater adoption and innovation. Of course, any such Founders' Program must be sensitive to intellectual property rights...”²

In the above proposal, Google recommends that ICANN maintain the existence of the Founders' Programs prior to the Sunrise Period, on a well-regulated basis, and their petition asks that ICANN not go so far as to eliminate the program altogether, as Microsoft wishes to do.³

¹ See, ICANN Notice, *Memorandum on Revisions to RPM Requirements*, August 6, 2013 (available at: <http://newgtlds.icann.org/en/about/trademark-clearinghouse/rpm-requirements-revisions-06aug13-en.pdf>) (visited September 18, 2013).

² See, *Google Comment*, August 27, 2013 (available at: <http://forum.icann.org/lists/comments-rpm-requirements-06aug13/pdfng7yY3i7Ke.pdf>) (visited September 18, 2013).

³ See, *Microsoft Comment*, August 27, 2013 (available at: <http://forum.icann.org/lists/comments-rpm-requirements-06aug13/pdfmwPhMX84AG.pdf>) (visited September 18, 2013).

In addition to Google's comment, .CLUB DOMAINS also endorses Nominet Registry's comment, with respect to adopting proposed section 2.2.5.⁴ Nominet states, "Whilst section 2.2.4 of the RPM document still prohibits a Founders' program, our understanding of proposed new section 2.2.5 in the memorandum is that we would be able to register up to 100 domain names for our Founders and key statutory bodies before or during Sunrise. Therefore Nominet supports new section 2.2.5."

.CLUB DOMAINS stands by both Google and Nominet in their continued support for the Founders' Programs. The success and sustainability of the New gTLD Program depends on broad public awareness and interest in the newly available gTLDs. ICANN shares our mutual interest in the success of the new gTLDs, and in order to achieve this, it is critical to prevent the obstruction of promotional efforts and activities by the new gTLD Registry Operators and to limit onerous regulatory requirements that would inhibit gTLD Registrars from marketing the new gTLDs to consumers. The adoption of section 2.2.4 without the addition of section 2.2.5 would impose an undue burden on the new gTLD Program, a burden that could ultimately threaten the gTLD program's success by severely diminishing public interest and awareness.

Therefore, to ensure the viability of the New gTLD Program, .CLUB DOMAINS implores ICANN to adopt proposed section 2.2.5 if it adopts section 2.2.4.

Respectfully Submitted,

.CLUB DOMAINS, LLC

/S/ Jonathan Frost

Jonathan Frost
Legal Counsel and Director of Policy

⁴ See, *Nominet Comment*, August 27, 2013 (available at: <http://forum.icann.org/lists/comments-rpm-requirements-06aug13/pdfsHHfWovLBr.pdf>) (visited September 18, 2013).

