



January 31, 2014

Via Electronic Mail  
comments-spec13-06dec13@icann.org

**Re: Reply Comment on Specification 13 by Google Inc.**

The purpose of any comment period is to invite a broader set of voices to share issues and ideas about a particular topic. Google is therefore pleased to see the robust discussion that has emerged during the comment and reply period for Specification 13. We believe that a number of helpful suggestions have emerged from the comment period and that incorporating those suggestions will strengthen and improve Specification 13.

In particular, Google supports the comment by Valideus, the rationale for which is further explained in the IEEE Global LLC comment, suggesting the inclusion of Affiliates in 5.1(i)d and 5.1(i)f. We agree that this change is necessary to make the language in Specification 13 consistent and to reflect that the use of and reputation and goodwill in a .BRAND trademark may belong to the corporate parent.

Google also supports the comments from the IPC and Microsoft pointing out that the protections in Specification 13 may be appropriate for a wider set of applicants. The IPC helpfully suggests that to ensure fairness, applicants who do not meet the .BRAND criteria should be able to make their case to ICANN that they should still qualify for Specification 13. Similarly, Microsoft correctly points out that some non-generic TLDs that do not meet the definition of a .BRAND may still be used by applicants in a branded manner. An illustration of Microsoft's point is set forth in Richemont's comment, which provides an example of a TLD that could fall into this category. We agree that in addition to using the .BRAND definition for eligibility under Specification 13, ICANN should take a more holistic approach in considering how to apply these types of protections to individual TLDs.

We continue to encourage ICANN to adopt Specification 13, along with the additional changes to the Sunrise<sup>1</sup> and the Emergency Back-end Registry Operator provisions we

---

<sup>1</sup> We also note that in public comments, the approach of deferring or eliminating Sunrise was supported by comments or replies submitted by NTAG, the Business Constituency, the Domain Name Association, the Brand Registry Group, HKIRC, and the IEEE. No comments were submitting opposing the ability for .BRAND registries to defer Sunrise until such time as they make registrations available to third parties.

proposed in our earlier comment, as well as the modifications proposed by Valideus, the IPC and Microsoft. These minor changes will make sure that Specification 13 better addresses the reasonable business needs of .BRAND TLDs allowing .BRAND TLD applicants to fully participate in the new gTLD ecosystem.

Sincerely,

A handwritten signature in black ink, appearing to read "Leigha E. Weinberg". The signature is written in a cursive style with a large initial "L".

Leigha E. Weinberg  
Product Counsel  
Google Inc.