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Comments of the Coalition to Advance the Protection of Sports logos
on the "Aspects of an Expressions of Interest and Pre-Registration Model"

The Coalition to Advance the Protection of Sports logos ("CAPS") welcomes this opportunity to provide its comments to ICANN on "Aspects of an Expressions of Interest and Pre-Registration Model" ("EOI Model"). CAPS is an alliance formed by The Collegiate Licensing Company, Major League Baseball Properties, Inc., NBA Properties, Inc., NFL Properties LLC, and NHL Enterprises, L.P. (collectively, "CAPS Members"). CAPS was formed in 1993 to coordinate and centralize the common intellectual property protection and enforcement matters of the CAPS Members, in both the civil and criminal arenas. Such enforcement efforts are essential to ensure that members of the public are not confused into purchasing unlicensed merchandise of inferior quality and that the value of intellectual property rights developed through the efforts and investment of brand owners is not diluted by the unlawful activity of third parties seeking to capitalize on the goodwill and consumer recognition of the underlying brands.

The CAPS Members are the owners and/or exclusive licensors of thousands of trademarks registered in countries throughout the world. Collectively, the CAPS Members devote millions of dollars each year to protecting these valuable intellectual property assets and enforcing against their unauthorized use, including with respect to infringing domain names registered in the current gTLDs.

The CAPS Members do not support the proposed roll-out of unlimited gTLDs. The scale of abuse likely to result will impose significant additional burdens on the ability of trademark owners to prevent consumer confusion and to protect their intellectual property. Because CAPS Members are responsible for enforcing intellectual property rights of multiple brands, we are concerned about the feasibility of effective enforcement in such an environment. It is simply not feasible -- particularly in today's economic climate -- to expend the resources necessary to pursue the infringing use of every one of our brands in domain names registered in such an expanded offering of gTLDs.

It is premature for ICANN to adopt and implement an EOI process. Because ICANN has not yet adequately addressed the overarching issues of trademark protection and prevention of malicious conduct, as well as the important issue of vertical integration, it is premature for ICANN to adopt and implement an EOI process as set forth in the EOI Model. Accepting \$55,000 "deposits" from each EOI applicant will generate tremendous pressure for ICANN to open the new gTLD application round as soon as possible, regardless of whether the overarching issues have been adequately addressed. Many entities have not yet decided whether to pursue filing a new gTLD because of the significant number of unresolved issues regarding the process. Therefore, mandatory participation in the EOI process will result in entities filing applications merely to preserve the ability to file an application for a new gTLD in the future. Instead,



ICANN should defer adoption and implementation of an EOI process until the overarching issues have been adequately addressed.

If ICANN adopts and implements an EOI process, ICANN should strictly limit the transferability of EOI-derived new gTLD application slots. Allowing EOI applicants to freely transfer their new gTLD application round slots will almost certainly result in an unregulated secondary market for those slots. The existence of such a market will, in turn, lead to a significant number of speculative EOI applications. Speculation of this kind undercuts ICANN's stated objective of establishing an EOI process. If ICANN permits new gTLD application slots, obtained through the EOI process, ICANN should ensure that the scope of permitted transfers is sufficiently narrow so as to avoid the creation of such an unregulated secondary market and speculative applications.

Thank you for consideration of these comments. If you have questions or wish to discuss any of the points raised herein, please contact any of the undersigned.

Respectfully submitted,



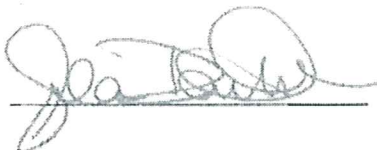
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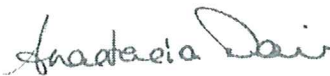
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