



20 Jul 2009

## **Draft Applicant Guidebook: Analysis and Excerpts**

Please accept the following comments in response to the publication of ICANN's Draft Applicant Guidebook: Analysis and Excerpts.<sup>1</sup> Go Daddy reserves the right to future comments on this issue, and our positions include, but are not necessarily limited to those noted herein.

### **Introduction**

On balance, GoDaddy.com either supports or has no strong opinion on many of the modifications, analyses, and excerpts published by ICANN. There are, however, a few areas in specific modules which present concerns, and these are outlined below

### **Module 3: Dispute Resolution**

While it is not explicitly listed in this excerpt of the Draft Applicant Guidebook, GoDaddy.com opposes the adoption of a new Dispute Resolution mechanism, namely the "Post Delegation Dispute" process as described in the Implementation Recommendation Team's Final Report<sup>2</sup>.

The IRT report advances that a mechanism for post-delegation disputes is essential for the protection of trademark holders' rights. But the assertion of this need presumes that the outlined pre-delegation dispute methods, or that ICANN's ability to enforce its contracts with new gTLD registries, will be unsuccessful. We are of the opinion that these issues are distinctly separate from the rights of trademark holders.

Rather than adopt the IRT's proposal, we urge ICANN to (1) ensure that all stakeholders have confidence in the existing dispute resolution procedures outlined in Module 3, and (2) enforce compliance of new gTLD registry agreements.

### **Conclusions**

We look forward to a further dialogue on the issues raised in this document, and welcome the opportunity to help ICANN finalize the Draft Applicant Guidebook.

Sincerely,  
GoDaddy.com, Inc.

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Corporate Development and Policy  
GoDaddy.com, Inc.

1. <http://www.icann.org/en/announcements/announcement-2-31may09-en.htm>

2. <http://www.icann.org/en/topics/new-qtlds/irt-final-report-trademark-protection-29may09-en.pdf>