



INTA Internet Committee Preliminary Comments on Expressions of Interest in New gTLDs

The Internet Committee (Committee) of the International Trademark Association was pleased to hear during the welcoming ceremony in Seoul that ICANN will no longer provide artificial timelines for launching the new gTLD program. The Committee believes that ICANN should not speculate that the new gTLD program will launch unless and until the overarching issues have been adequately resolved by the community, and ICANN can demonstrate that an unlimited number of new gTLDs will serve the public's interest, rather than the interests of any particular set of stakeholders.

The Committee has a number of concerns regarding the Board Resolution that ICANN passed in Seoul in connection with a potential Expression of Interest (EOI) process for new gTLDs, which we have set forth below in our preliminary comments.

The Committee is very concerned about the short time frame the public has been given to comment on this topic, especially in light of the fact that the Board will consider the EOI issue at its upcoming December 9th Board meeting. We are also concerned that the unreasonably short time frame advantages those in the community who closely follow or have a direct stake in ICANN's deliberations, rather than those that ICANN serves in the broader community who are impacted by ICANN's policies. The Committee reiterates its recommendation that ICANN completely revamp its public comment process so it can begin meeting its obligations under the Affirmation of Commitments. The Committee recommends that staff extend the public comment period on the EOI process, and that analysis of all the public comments received be provided to the Board following its December 9th meeting.

The Committee believes that an EOI process should not distract ICANN from the task of attempting to address the overarching issues with the new gTLD program. The Committee believes there are numerous *threshold* issues that remain unresolved with an introduction of an unlimited number of new gTLDs, and that it would not serve the community at this juncture to insert an EOI process in the new gTLD program. The Committee also believes that data gained from an optional EOI process would not be sufficiently demonstrative to use to address the overarching issues with the new gTLD program.

Some proposals have recommended an EOI process where participation would be mandatory for potential participation in ICANN's first round of new gTLDs, and that participation would be coupled with an EOI filing fee on the order of magnitude of tens of thousands of dollars. These elements would alter the new gTLD program by turning the proposed EOI process into a pre-registration period for new gTLDs. This approach would vary greatly from prior ICANN methodology, including the 2000 proof of concept new gTLD round and the 2008 IDN ccTLD Fast Track Request for Information (ROI) process.

Clearly an EOI process should not take place in any form prior to ICANN and the global Internet community finalizing the new gTLD criteria, including determining whether an unlimited number of new gTLDs is both feasible and in the public's interest, rather than in the interest of

any particular set of stakeholders.

Thank you for considering our views on this important issue. If you have any questions regarding our submission, please contact External Relations Manager, Claudio DiGangi, at:

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ABOUT INTA

The International Trademark Association (INTA) is a 131-year-old not-for-profit membership organization with more than 5,600 member organizations in more than 190 countries. INTA's key goals include supporting the essential role that trademarks play in promoting effective national and international commerce, protecting the interest of consumers, and encouraging free and fair competition. During the last decade, INTA has served as a leading voice of trademark owners in the development of cyberspace, including as a founding member of ICANN's Intellectual Property Constituency (IPC).