



6 May 2009

Please accept the following questions and comments in response to the initial report of the Implementation Recommendation Team (IRT). Go Daddy reserves the right to future comments on this issue and our positions include, but are not necessarily limited to, the text herein.

We thank the IRT for the time and effort they have put into researching and preparing the report. At this early stage and in light of the time allowed we have more questions than comments.

IP Clearinghouse

Why should the clearinghouse be contracted by ICANN?
What potential is there for legal liability on ICANN's part, and costs associated to defend it?
What is the overall impact on ICANN's resources and budget?
Does it really fit within ICANN's mandate of technical coordination?
Does it create another monopoly for ICANN to manage?
Why should it not be privatized and subject to competition and market forces (is it truly useful, effective, etc.)?

We are interested in the answers to those questions, but with the information provided to date we strongly recommend that if ICANN should decide to initially establish a clearinghouse via RFP or otherwise, it should only be a temporary arrangement so that the clearinghouse becomes independent and totally private within no more than two years.

Uniform Rapid Suspension System

How is the complainant's financial ability to stand behind its indemnification determined?
Will registries and registrars have access to confirm that indemnification and supporting information has been provided?
When a decision is in favor of the complainant the name is held in *default* state until it expires. What happens to the domain name at expiry?
Who provides the *default* state web page and how are those costs covered?
Regardless of whether the Registrant files a response, why would the process not proceed?
Why is a lack of response sufficient to find against the Registrant?

Again, we are interested in the answers to those questions, but based on the current description of the process we strongly believe that the process should continue to the examiner phase regardless of whether there is an answer or not, or regardless of whether the answer provided meets some arbitrary set of guidelines. There should be no *default* action.

This process must remain applicable only to trademarks and must not involve decisions about content beyond that. If the domain name is apparently being used for illegal activities no further action should be taken. The complainant should refer the site to Law Enforcement officials.

Sincerely,
GoDaddy.com, Inc.

Tim Ruiz
Vice President
Corporate Development & Policy