



**Adobe Systems Incorporated**  
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January 22, 2010

Internet Corporation for Assigned Names and Numbers (ICANN)  
4676 Admiralty Way, Suite 330  
Marina del Rey, CA 90292-6601

**Re: Special Trademark Issues Review Team Recommendations**

Dear Sir/Madam:

Adobe Systems Incorporated (“Adobe”) respectfully submits the following comments regarding the Special Trademark Issues Review Team Recommendations Report on Trademark Protection in New gTLDs (“STI Report”), released on December 17, 2009.

Adobe commends the Special Trademark Issues Review Team (“STI”) for their efforts in seeking to address the overarching issue of trademark protection. We understand the STI has endeavored to review and further develop the rights protection mechanisms of a Trademark Clearinghouse and Uniform Rapid Suspension procedure (“URS”), which were originally proposed in the Implementation Recommendation Team’s Final Report on Trademark Protection (“IRT Report”).

Regrettably, Adobe finds the STI’s recommendations fall far short of effectively remedying and alleviating the potential risks and costs to trademark holders that will accompany the implementation of new gTLDs. Moreover, with the STI Report and recent 3<sup>rd</sup> Version of the Draft Applicant Guidebook, ICANN continues to move in the direction of minimizing and limiting trademark protections for brand owners. Instead of developing and expanding the rights protection mechanisms proposed in the IRT Report, the STI Report significantly scales them back.

As currently proposed, the Trademark Clearinghouse will consider only “identical matches” to trademarks and is to be employed only during pre-launch periods, providing insufficient protections for brand owners. Along with the elimination of the Globally Protected Marks List, the STI Report excludes common law rights from the Clearinghouse as well. Moreover, costs associated with the Clearinghouse, in the form of annual and validation fees, are to fall disproportionately on trademark owners with no amount to be borne by ICANN or the applicants for new gTLDs.

Concerning the URS proceedings, Adobe believes trademark owners should be offered the ability to transfer suspended domain names to their legitimate websites. Currently, the URS remedy is to suspend or “freeze” a domain and later release it, which

necessitates that trademark owners monitor the domain during the “freezing” period and potentially file subsequent URS actions against the same domain name.

Adobe continues to believe that trademark protection is an issue of primary importance that must be fully and satisfactorily addressed before the new gTLD launch can proceed. Taking into account the limitations of the rights protection mechanisms proposed in the STI Report, we contend that there is still much work that needs to be done by ICANN to address the concerns of trademark owners regarding the new gTLD proposal.

Adobe thanks you for your time and attention to this matter. We look forward to working with ICANN and the STI members to further identify solutions that would better address the concerns of Adobe and other trademark owners. Please feel free to contact the undersigned if you have any questions about this submission.

Sincerely,

A handwritten signature in blue ink, appearing to read "Daniel C. Poliak", with a long horizontal flourish extending to the right.

Daniel C. Poliak  
Associate General Counsel  
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