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Mr. Fadi Chehade
President and CEO
ICANN
12025 Waterfront Drive
Suite 300
Los Angeles, CA 90094-2536

Re: Reply Comments on Rights Protection Mechanisms and the “Strawman” Solution

Dear Mr. Chehade:

Verizon appreciates the opportunity to submit these brief reply comments to ICANN on the need for additional Rights Protection Mechanisms (“RPMs”) and the “Strawman Solution.” Despite the substantial good faith efforts and hours spent by the IP and business community to work within the ICANN process to develop these solutions, we have become increasingly concerned by recent reports indicating that procedural roadblocks may prevent these critical RPMs from being adopted and implemented before the impending rollout of the new gTLDs.

ICANN should note that the vast majority of comments submitted on the Strawman express strong support for the LPR, the Strawman Solution and additional remedies. ICANN should give substantial weight not only to the number of comments, but carefully examine who filed – companies and associations who provide significant economic and social value to the global community. It was clear that the large majority of commenters indicate that the LPR is an urgent key priority that must be adopted. Verizon and many others also flagged the need for important changes to the URS as well. In contrast, the ICANN insiders who raised concerns do so using their usual process arguments rather than focusing on substance. They recycle their standard procedural arguments to thwart any constructive changes from taking place inside the ICANN process. These include the ideas as new “policy” requiring sending the whole agenda back through years of GNSO approval, saying the changes come “too late,” or even continuing to insist the RPMs in the DAG are adequate. They continue to make these arguments despite the clear views from the rest of the larger community -- large and small businesses, nonprofits, and government agencies -- urging the need to take urgent and immediate action to minimize unforeseen consequences.

Unfortunately, registrars and registries are apparently uninterested in any changes that may affect their ability to quickly profit from a rapid rollout of new gTLDs. But we believe that ICANN has a greater fiduciary duty to the global Internet community to make sure that the new gTLD rollout

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is implemented correctly, without unintended consequences and with robust RPMs in place to protect consumers from confusion, fraud and abuse. As we noted in our earlier comments, whether ICANN chooses to characterize the RPMs as "implementation" or "policy," the solutions must be implemented before the rollout of new gTLDs. ICANN can accomplish this task by moving the RPMs to an expedited working group to finish their work before the rollout or, if that proves impossible, it should wisely choose to delay the rollout by an appropriate amount of time to ensure these changes can be discussed, developed and fully implemented.

ICANN's treatment of the RPMs issue should not be a victim to its own inherent process inefficiencies, especially since ICANN has shown itself adept in the past at making sure that other important fixes could be made quickly and successfully. We noted in our prior comments that ICANN, without a PDP, switched to the "Prioritization Draw" for the new gTLD rollout. The idea of having a Sunrise period and the original Trademark Claims processes originated with the ICANN Board rather than reverting back to the GNSO. As we previously noted, ICANN's Applicant Guidebook already specifically allows for (and in fact anticipates) substantive changes will occur.

We believe that the LPR, changes to the URS and the changes we flagged in our earlier comments to the Strawman proposal are all inherently reasonable. These reasonable and urgent changes must be made before the rollout of any new gTLDs. We deeply appreciate the fact that you clarified that the comments picked up the press about a "mistake" involving the Strawman initiative was only a mistake related to process and not to the substantive need for robust RPMs. Going forward, we believe that the only real "mistake," would be a failure by ICANN, at this very critical juncture, to prove to the international community that its internal processes and its obligations under the Affirmation of Commitments can work to protect the public interest.

Thank you for the opportunity to provide these comments. Please feel free to contact me with questions.

Sincerely,



Sarah B. Deutsch
Vice President & Deputy General Counsel