



National Health Council

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March 23, 2012

Joint ccNSO and GNSO IDN Working Group (JIG WG)
Internet Corporation for Assigned Names and Numbers (ICANN)

Re: Comments on Initial Report on Universal Acceptance of IDN TLDs

Submitted electronically to universal-acceptance-idn-tlds@icann.org

To Whom It May Concern:

On behalf of the leading patient advocacy organizations in the United States, the National Health Council submits this letter of concern about the creation of new generic top-level domains (gTLDs) because essential and immediate changes must be made to the Internet Corporation for Assigned Names and Numbers (ICANN) application and dispute resolution processes in order to protect the social good provided by the nonprofit community.

The National Health Council (NHC) is the only organization of its kind that brings together all segments of the U.S. health community to provide a united voice for the more than 133 million people with chronic diseases and disabilities and their family caregivers. Made up of more than 100 national health-related organizations and businesses, its core membership includes approximately 50 of the nation's leading patient advocacy organizations, which control its governance. Other members include professional and membership associations, nonprofit organizations with an interest in health, and major pharmaceutical, health insurance, medical device, and biotechnology companies.

We were pleased to hear a presentation last month by Michele Jourdan, Manager of New Generic Top Level Domain Communications at ICANN, at a meeting of the CEOs of NHC member patient organizations. Ms. Jourdan's comments helped us to better understand the process for applying for gTLDs; however, the presentation also brought to our attention several issues of great concern to the nonprofit community.

Many of the patient advocacy organizations in the United States utilize in their website domain names and organizational language the body part or disease/disability they address as part of their mission. Because it is not possible to trademark a body part (e.g., lung, liver) or a disease category (e.g., arthritis, diabetes), it is difficult for the patient advocacy community to protect the use of such words. Based on our interpretation of the ICANN Applicant Guidebook section on objections, there is a strong possibility that string confusion would occur if such words are used in gTLDs. (Examples; www.hemophilia.org (National Hemophilia Foundation) vs. "dot-hemophilia"; www.marfan.org (National Marfan Foundation) vs. "dot-marfan").

Unlike corporations, the worth of a nonprofit organization is measured by the strength of its volunteer pool and its reputation. To mislead or destroy either of these elements does irreparable harm to the organization. Patient advocacy organizations are also unique within the nonprofit sphere in that their marketing is predicated on the diseases, disabilities, and parts of the human

body articulated in their public mission statements. This is evident in their communications, business models, and registered bottom-level domains, a major source of identity for any organization.

By opening the application process for gTLDs to allow any person, group, or corporation to register nearly any word, term, or name as a top-level domain, ICANN raises the possibility of inflicting harm on nonprofit organizations, which do not have the resources of a corporation like Coca Cola or IBM to fight the unlimited number of misleading URLs that could be generated by an entity holding a confusing gTLD. With today's changing technology and expanding data access points, nonprofits struggle to stay on equal footing with for-profit entities to both defend and grow their brand. Opening top-level domains for general registration could force nonprofit organizations to devote more of their limited resources to protecting yet another source of potential harm to their reputation.

As we studied the materials on the ICANN website and the information provided by Ms. Jourdan, we have identified two major issues of concern.

1. **String Confusion.** According to the Pew Research Center, eight in ten Internet users have looked online for health information; confusing the public on an issue as essential as their health could have unfortunate results. As stated above, the patient advocacy community is deeply concerned about the misunderstanding and possible misrepresentation that might occur if ICANN awards gTLDs that contain the name of a body part or disease/disability (e.g., dot-psoriasis). To our knowledge, no other community faces this same, unique situation.

We strongly urge ICANN to set forth a process that investigates the potential for misunderstanding, confusion, and harm when awarding gTLDs utilizing the name of a body part or disease/disability. The process for ascertaining such information must be transparent to the general public, and any application for a health-related gTLD found to be confusing or misleading must be denied.

As part of the review process, ICANN should consider varying factors that may lead to the potential for confusion by patients and donors. For example, a proposed gTLD could be confusing if it contains the name of a body part or disease/disability, or the gTLD mimics the bottom-level domains of existing nonprofit health sites, such as the examples provided above. A potential mechanism to identify points of confusion could be a survey of the appropriate health community on a proposed gTLD to gauge string confusion.

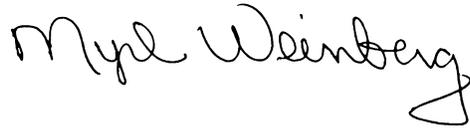
2. **Cost.** The cost and time required to apply for a gTLD or to file an objection is beyond the ability of most nonprofit organizations. In addition, the fees for adjudication must be paid up front, which would be a significant financial burden on patient advocacy organizations. We respectfully request that nonprofit organizations (recognized by the U.S. Internal Revenue Services as a 501(c)(3) or 501(c)(4) entity) be included in the same funding structure extended to government bodies. We also ask that the filing period for objections be extended due to the fact that most nonprofits do not have the IT or communications capacity in-house nor external legal counsel on retainer to maintain an aggressive review of new gTLDs or the resulting URLs that may cause harm to the organization.

The National Health Council believes that unless these two issues are immediately addressed and that clarification and protection are provided to the nonprofit sector, there could be negative

implications for the patient advocacy community and the millions of people they serve, including those living with chronic diseases and disabilities, and their families and caregivers.

Thank you in advance for addressing our concerns. I look forward to your response.

Sincerely,

A handwritten signature in black ink that reads "Myrl Weinberg". The signature is written in a cursive style with a large, looped initial "M".

Myrl Weinberg, FASAE, CAE

President

National Health Council