



October 26, 2007

By E-Mail

To: ICANN and GNSO Council
From: Entertainment Software Association

Re: ESA Submission on Pending GNSO Council Motions and
Related ICANN Reports

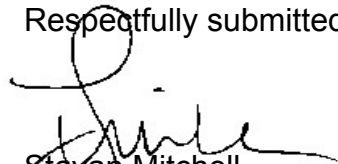
The Entertainment Software Association appreciates this opportunity to comment upon the important Whois policy issues presently before the GNSO Council. Attached please find our submission.

The ESA is the U.S. association exclusively dedicated to serving the business and public affairs needs of companies that publish video and computer games for video game consoles, personal computers, and the Internet. ESA members collectively account for more than 90 percent of the \$7.4 billion in entertainment software sold in the U.S. in 2006, and billions more in export sales of U.S.-made entertainment software.

Our industry's anti-piracy enforcement efforts depend upon being able to identify who is infringing our members' copyrighted software online. In this regard, the Whois service is a useful and valuable starting point. It is also a valuable resource for member companies seeking to protect and defend their trademark interests.

We urge the GNSO Council not to move forward with OPoC or do away with Whois contractual obligations for the reasons explained in the attached submission.

Respectfully submitted,



Stevan Mitchell
Vice President, Intellectual Property Policy