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July 21, 2010

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

Re: ICANN's Proposed New gTLDs

Dear Sir/Madam:

Adobe Systems Incorporated ("Adobe") respectfully submits the following comments regarding ICANN's generic Top Level Domains proposal, specifically with regard to the updated "New gTLD Applicant Guidebook Version 4 (V4)," released on May 31, 2010.

Our previous letters submitted to ICANN during the prior public comment periods conveyed Adobe's concern that the issue of trademark protection was not adequately addressed in the initial gTLDs proposal, the prior guidebooks, or the proposed rights protection mechanisms (RPMs). We find after reviewing this 4th Version of the Draft Applicant Guidebook (the "New Guidebook") that this overarching issue still remains unresolved, even at this late stage.

We note the Globally Protected Marks List (GPML), a proposal by the Implementation Recommendation Team (IRT) which would provide the strongest protection for trademark owners, remains excluded from the New Guidebook. In addition, the proposed Trademark Clearinghouse remains severely limited, as it (1) is employed solely at launch; (2) only considers "identical matches" to trademarks and (3) functions more as a database of trademarks than a rights protection mechanism. It is also apparent that the Uniform Rapid Suspension System (URS) as currently conceived will not provide the brisk, cost-effective remedy to cybersquatting that was originally intended. The URS only suspends a domain for a limited time while saddling the trademark owner with the cost and evidentiary burden of proving that a registrant has no legitimate interest in the domain name.

Adobe contends that the proposed rights protection mechanisms (RPMs) contained in the New Guidebook fall far short of what is necessary. As currently conceived, the RPMs will not alleviate the considerable financial and administrative burden on brand owners to file defensive registrations and engage in expensive enforcement actions to protect their trademarks.

We understand that ICANN's intent is for the forthcoming Version 5 of the Draft Applicant Guidebook to be the final version. However, Adobe reiterates that the issue of

trademark protection must be comprehensively and effectively addressed prior to moving forward with the introduction of new gTLDs. As it is apparent that much work still remains to be done in this area, we would urge ICANN to depart from this proposed timetable and take the time necessary to address not only the issue of trademark protection but other overarching issues that remain unresolved.

Adobe is concerned that the introduction of an unlimited number of new gTLDs will create extensive confusion among both consumers and the public and will render effective trademark protection virtually impossible. ICANN has yet to propose the implementation of the kind of robust IP protections necessary to deal with the potential trademark abuse and consumer confusion that would accompany an environment of literally hundreds of new gTLDs.

Finally, ICANN still has not established that brand owners either support this proposal or believe that it is a business necessity. In fact, very few companies have welcomed ICANN's new proposal given the significant administrative, legal and financial costs and resources it will require. Most brand owners continue to conduct their business under the current .com regime and intend to do so in the future.

We look forward to working with ICANN 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".

Daniel C. Poliak
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