

July 21, 2010

Submitted electronically

Re: Top Level Domains Draft Applicant Guidebook, Version 4

Mr. Rod Beckstrom
CEO and President
Internet Corporation for Assigned Names and Numbers
4676 Admiralty Way, Suite 330
Marina del Ray, California 90292

Dear Rod,

The American Bankers Association (ABA)¹ appreciates the opportunity to comment on the Internet Corporation for Assigned Names and Numbers (ICANN) release of Version 4 of the draft Applicant Guidebook and key documentation related to the proposed application process regarding the expansion of generic top-level domains (gTLDs).

While ICANN continues to make improvements with each version of the application guidebook, there are several issues that need additional improvement before the next application round for top-level domains is launched.

Intellectual Property Issues Still Need Addressing

While the ABA appreciates ICANN's inclusion of trademark protection mechanisms in version 4 of the Guide, ICANN's proposals do not extend far enough to ensure that intellectual property rights, including those of ABA and its members, are not negatively impacted by the introduction of a large number of new gTLDs.

We have applauded ICANN for convening the Implementation Recommendation Team (IRT), but request that it reconsider or revisit the scope of its protection mechanisms with the goal of curbing unnecessary delays and/or expense associated with the protection of intellectual property rights. It is insufficient that the Trademark Clearinghouse solely protects identical marks and ICANN's Uniform Rapid Suspension System should be a quicker, less burdensome remedy than the UDRP. At this critical juncture, we remain unable to reassure our members that these protections are as comprehensive as necessary to protect their intellectual property interests.

¹ The American Bankers Association represents banks of all sizes and charters and is the voice for the nation's \$13 trillion banking industry and its 2 million employees. ABA's extensive resources enhance the success of the nation's banks and strengthen America's economy and communities. The majority of ABA's members are banks with less than \$165 million in assets. Learn more at www.aba.com.

High Security Domains Should be Mandatory

The financial industry continues to study security and stability questions along with defining what the proposed operating environment should be to establish and operate one or more new financial services top-level domains.

ICANN has made good progress on several application fronts. For instance, ABA applauds the new, enhanced requirements for background checking and financial verification of applicants. Other improvements include the requirements for DNSSEC deployment, for Whois service, for maintaining of an abuse point of contact, and for continuity plans. Including these requirements directly in the Applicant Guidebook represents a significant step forward.

We continue to believe, however, that financial services domain warrant a higher level of security than other domain categories. While many of the new generic domains will pose no threat to trusted transactions over the Internet, any domain name associated with financial services should be restricted to financial services companies, with substantial restrictions, guidelines and proof of eligibility.

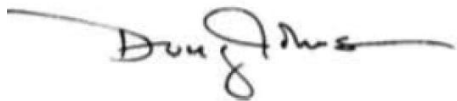
ABA also continues to recommend the establishment of a formal Financial Services Panel for assessing financial service-oriented gTLD applications and that specific higher levels of security and stability for financial gTLDs be mandated. Version 4 of the draft Applicant Guidebook does not adequately address these recommendations. No panel to evaluate the special nature of financial services applications has been established, nor have higher levels of security for such applications been mandated. Instead, the institution of higher levels of domain security remains voluntary.

Rather than a voluntary process, ABA strongly recommends that ICANN mandate high security verification for financial services domains, where the threat of malicious conduct is very high and the nature of the services offered requires high security to protect the using public. We are also very concerned that, an applicant's decision to pursue or not pursue verification does not reflect negatively on the applicant nor affect its scores in the evaluation process. We recommend that the right exist to file an objection against any applicant for a financial services domain that seeks to avoid high security verification, and that such avoidance should be grounds for denial of the application.

Economic Cost Studies Should be Completed before Rollout

The June 2010 Economic Framework² presented to detailed the potential for significant costs, particularly with regard to cyber-squatting defense costs. The report also discusses the need for additional research to fully understand the costs associated with the new gTLD program. We strongly urge ICANN to consider the potential costs identified in this study, and further to not make any final decisions on launching the new gTLD program without conducting the further studies suggested in the report.

Sincerely,



² "An Economic Framework for the Analysis of the Expansion of Generic Top-Level Domain Names," Michael L. Katz, Gregory L. Rosston, and Theresa Sullivan, June 2010, available at: <http://www.icann.org/en/topics/new-gtlds/economic-analysis-of-new-gtlds-16jun10-en.pdf>.