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**VIA ELECTRONIC MAIL**

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

Re: Comments of General Electric Company Regarding Whether  
“Closed Generics” Should Be Allowed

Dear Mr. Chehade:

General Electric Company (“GE”) appreciates this opportunity to submit comments on what have been termed “closed generics:” top-level domain strings corresponding to a generic word, term, or abbreviation, but for which the registry applicant plans to operate in a closed or exclusive fashion.

GE echoes and supports ICANN’s recognition of the potential problems involved with allowing closed generics, and greatly appreciates ICANN’s decision to open the issue to public comment. Some stakeholders may view disallowing closed generics as a major policy change. We believe instead that this reflects ICANN’s desire to recognize an important issue, and to align any solution with its Affirmation of Commitments in order to promote consumer trust and the public interest.

GE joins with the comments of Microsoft and other stakeholders that the exemption to Section 6 of ICANN’s Code of Conduct was intended to apply to companies seeking brand-related TLDs and not industry-wide generic categories. As such, GE does not believe that closed generics should be allowed, and that applicants for closed generics should be given the chance to

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change their business model to an open generic or to obtain a full refund of their application fees.<sup>1</sup>

That being said, ICANN must be careful in how it defines “closed generics.” For instance, one statement made in the lead up to this comment period<sup>2</sup> suggested the possibility of limiting the closed registry exception to the Code of Conduct only to TLDs that are an exact match to trademarks that were issued registrations of national effect in numerous countries at least five years ago—with the additional requirement that the marks be eligible for inclusion in the Trademark Clearinghouse.

We do not believe such strict limitations serve the public interest, nor do we believe they serve the interest of ICANN stakeholders. The intent of the limitations should be to eliminate closed *generics*, not to eliminate every brand-related TLD application that does not meet exceedingly high and exact standards.

GE, for example—which clearly cannot apply for the two-letter and pre-existing “.ge”—applied for .GECOMPANY and the Chinese translation of .GECOMPANY. There is no question in our opinion that such applications are entirely related to the GE brand and that they do not seek to restrict competition regarding any industry or generic term. There may be other applications, which on their face refer to a specific company and not a generic term or industry,<sup>3</sup> who will find themselves in a similar situation.<sup>4</sup> We believe such a strict application of the rules would be inappropriate in this case, as these domains are not truly “closed generics.”

In sum, GE agrees with other stakeholders that closed generics should not be allowed, as long as the definition of “closed generics” does not come to encompass top-level domains clearly referring to a specific company (including where a trademark is combined with a geographic identifier, an industry identifier, or a corporate identifier such as “company” or “inc”). We do not believe such delineation would generally require a long or costly analysis: for almost every possible application where the applicant requests the Code of Conduct exception, it will be obvious whether the string refers to a brand (e.g., .GECOMPANY) or not.

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<sup>1</sup> GE is not weighing in on which applications it might object to should closed generics be allowed, but rather submits these comments on the general question of whether they should be allowed at all.

<sup>2</sup> See January 22, 2013 letter of Michelle Neylon, et al.

<sup>3</sup> Or clearly refer to brand, but do not meet the standards of multiple registrations throughout the world all issued at least five years ago. Examples might include .REDUMBRELLA for Travelers TLD, LLC, or gTLDs run by the various large United States-based retail stores that have filed applications.

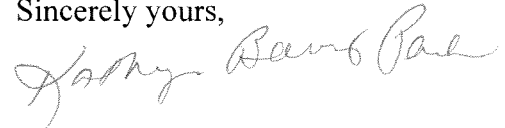
<sup>4</sup> Examples similar to .GECOMPANY might include .MERCCKMSD and .KERRYHOTELS.

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Finally, we wish to take this opportunity to reiterate our belief that more time may be needed before the new gTLD program launches in order to prevent a rushed roll-out process and insufficient protections for stakeholders and the public. This is a system under which we will operate for many years to come, and we believe it is worth taking more time on the front end to prevent problems from arising in the first place rather than scrambling to remedy any harmful consequences after the fact. GE continues to strongly support ICANN as it seeks greater public comment and input on these programmatic changes, and we look forward to remaining an engaged and meaningful contributor in our comments to follow.

Thank you for your consideration of these comments. If you have any questions or wish to discuss any of the points raised herein, please feel free to contact me at [kathryn.park@ge.com](mailto:kathryn.park@ge.com).

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Kathryn Park".