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Via Electronic Mail

Ms. Karen Lentz
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Internet Corporation for Assigned Names and Numbers
12025 Waterfront Drive, Suite 300
Los Angeles, California 90094-2536, USA
Comments-closed-generic-05feb13@icann.org

Re: American Insurance Association Comments on “Closed Generic” TLD Applications

Dear Ms. Lentz:

The American Insurance Association (AIA) appreciates the opportunity to comment on the “closed generic” TLD applications (“closed generics”). AIA is the leading property-casualty insurance trade organization, representing approximately 300 insurers that write nearly \$100 billion in premiums each year. Our members offer a variety of property-casualty insurance, including personal and commercial auto insurance, commercial property and liability coverage for businesses, homeowners’ insurance, workers compensation, product liability insurance, and medical malpractice coverage.

Our members have significant concerns with awarding a generic term for use as a closed registry. ICANN has stated that the new gTLD program was developed to enhance competition and consumer choice.¹ Granting a generic term for use as a closed registry fosters neither of these goals and instead will inevitably harm and mislead consumers and have a significant anticompetitive impact thereby limiting meaningful consumer choices. Our concerns cross industry lines, but by way of example this letter will focus on the generic strings that affect the insurance industry.

The business of insurance is a highly regulated industry that relies on competition and consumer trust. As such, delegating generic strings such as .insurance, .autoinsurance, and .carinsurance for the exclusive use of a single entity not only undermines the purpose and goals of the new gTLD program, but also challenges the basic foundation of the insurance industry. For example, Progressive’s application for .insurance states that it plans to use the gTLD “not only to improve Progressive’s core businesses but to creatively react to and pursue revenue producing relationships” and that “successful execution of [the .insurance initiative] . . . will grow its reputation as a primary insurance resource in the U.S. and global marketplace.” Further, Allstate Fire and Casualty Insurance Company’s (Allstate) applications for .carinsurance and .autoinsurance states that they believe the .carinsurance and .autoinsurance gTLDs “will provide a single, trusted, ecosystem experience for the millions of potential consumers searching for insurance-related information on line.” The applications further state that “By acting as the foundation for this trusted ecosystem, all domain name registrants in the .carinsurance gTLD, as described herein, initially consist only of Allstate and Allstate’s qualified subsidiaries and

¹ See, <http://newgtlds.icann.org/en/about/program>

affiliates, will be able to share in the benefits of this collective resource. (emphasis added).”² These statements indicate the desire of a single entity in the industry to become the sole source of content from these generic TLD strings for the entire insurance industry. If acquired by such a single entity, no other insurer will be able to use these gTLDs, similar gTLD strings (i.e., .insured), or associated second-level domain names (e.g., auto.insurance or discount.autoinsurance) in the future. Moreover, it is clear from the applications that the applicants do not intend to obtain and operate these gTLDs for the benefit of the larger community, but instead to gain exclusive control of a key industry term for a TLD to the exclusion of the other companies (and trade groups) in the community. Accordingly, for at least the reasons stated above, granting such closed generic TLDs would have a significant anti-competitive effect on this industry. In addition, the government agencies that regulate the business of insurance will also be excluded from using these insurance-based TLD strings or similar gTLD strings.

In the GAC Early Warning Process, the Australian government recognized the deleterious affect granting these generic terms will have on competition. Specifically Australia stated, “restricting common generic strings for the exclusive use of a single entity could have unintended consequences, including a negative impact on competition.”³ Germany expressed the same competitive concern in the GAC Early Warning Process when it was evaluating terms such as, hotel.

The statements in these applications also evidence the potential to create consumer confusion. Consumers will likely be misled into believing that one entity represents the entire insurance industry, has established measures that have set them apart from (or is safer than) the rest of the industry, or has somehow obtained governmental license or endorsement that it is superior to other members of the larger insurance community. As discussed above, Progressive’s application states that it wants to grow its presence as the “primary insurance resource” and Allstate’s application states it wants to provide a “single, trusted, ecosystem experience for millions of potential customers (emphasis added).” Accordingly, each of these applications, if granted, will create the illusion of an insurance community hub at this TLD for obtaining (and providing) important (and sensitive) insurance information, when, in reality, the consumer could be unwittingly obtaining information from merely a single source. This could cause consumers to be confused and purchase an insurance product under the impression that they have received information from the entire community, when they have not. Accordingly, allowing such closed generic TLDs effectively eliminates or significantly lessens a consumer’s choice for their insurance needs, without the consumer even knowing it. This concern is further exacerbated when we look at the public’s increased reliance on the internet for information and as a source of comparison and shopping for products and services such as insurance.

The above consequences are particularly troubling in a highly regulated industry such as insurance, where consumer protection and competition are critically important, closely monitored and strictly enforced.

² See, <http://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1239?t:ac=1239> and <http://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/1238?t:ac=1238>

³ See, <https://gacweb.icann.org/download/attachments/22938690/Autoinsurance-AU-86372.pdf?version=1&modificationDate=1353381252000>, <https://gacweb.icann.org/download/attachments/22938690/Carinsurance-AU-70059.pdf?version=1&modificationDate=1353381670000>, and <https://gacweb.icann.org/download/attachments/22938690/Insurance-AU-14573.pdf?version=1&modificationDate=1353428975000>

In your request for comments, you inquire as to how one could determine if a string was generic. We would recommend that a generic string is one that is a common term that does not identify any particular source. For example, insurance is a common term used to identify a product sold by a large and diverse industry group. The term is not specific to any one particular brand. In particular, the terms “insurance,” “car insurance,” and “auto insurance” do not in any way give the impression that they are associated with a single insurance carrier. Accordingly, a company should not be granted exclusive rights to use terms that simply describe the products they offer, especially in a regulated industry where consumer protection is so important.

Thank you again for the opportunity to comment on these proposals and the extremely important issue of how to move forward with closed generic. We respectfully recommend that all applicants for a closed generic application be required to withdraw their applications for a full refund.

Sincerely,

A handwritten signature in cursive script that reads "Angela Gleason".

Angela Gleason
Associate Counsel