



April 3, 2014

Board of Directors
Internet Corporation for Assigned Names and Numbers
12025 Waterfront Drive, Suite 300
Los Angeles, CA 90094-2536

Re: Proposed Review Mechanism to Address Perceived Inconsistent Expert
Determinations on String Confusion Objections

Dear Members of the ICANN Board:

VeriSign, Inc. (“Verisign”) submits this comment in response to ICANN’s call for public comments on its “Proposed Review Mechanism to Address Perceived Inconsistent Expert Determinations on String Confusion Objections” (“Proposal”).

ICANN’s Proposal, if implemented, would establish an appeal process for two, and only two, inconsistent decisions rendered by the ICDR. Thus, ICANN’s Proposal would leave intact other, serious, inconsistent decisions, and permit other plainly obvious confusingly similar strings to proceed. In short, ICANN’s Proposal misses yet another opportunity to mitigate user confusion about which ICANN has been repeatedly warned but as yet continues to bedevil this program.

ICANN’s lenient string similarity review together with its policy on plural versus singular strings has led to most of the egregious examples of likely user confusion among gTLD strings. Over the advice of virtually every constituency, including the Governmental Advisory Committee (“GAC”), the Intellectual Property Constituency (“IPC”), and Business Constituency (“BC”), ICANN continues to refuse to relent on its decision to allow the plural and singular version of the same word to proceed as new gTLD strings. Worse still, having permitted such confusingly similar strings to proceed from Initial Evaluation, ICANN’s String Confusion Objection panels have issued plainly inconsistent decisions, allowing some singular and plural pairs of strings to proceed, but not others.

Now, ICANN has plucked just one of those decisions, involving car/cars, and has proposed that it, at the exclusion of all others, be subject to appellate review by a hastily convened “Panel of Last Resort” from the same Dispute Resolution Service Provider that issued the original inconsistent decisions. To make matters even worse, ICANN’s Proposal permits an appeal only to the applicant who lost the original objection. In the

case of the car/cars dispute, the objector prevailed in one of three objections against the .cars applications and under ICANN's Proposal, only its winning objection will be subject to appellate review. As others have commented, such limited standing is manifestly unfair to an objector.

In the case of Verisign's objections to the .cam applications, Verisign prevailed in one objection but was unsuccessful in the other two. There is no compelling rationale to exclude from an appeal Verisign's unsuccessful objections. If ICANN believes that the inconsistencies in the com/cam situation cannot stand, then all three decisions should be consolidated and reviewed on appeal and the appeal panel should be required to issue one ruling covering all three objections. Moreover, unlike the car/cars situation, the string in question for Verisign, .com, is an existing gTLD with more than 112 million second level domain names under registration. In this situation, where an existing TLD string is an objector, ICANN must more carefully assess the impact of potential user confusion against the benefits of its lenient interpretation of string similarity. Here, existing registries like .com, and others in the future, and their end users, have reasonable investment backed expectations that ICANN will not permit confusingly similar strings to erode the value of the domain.

Verisign therefore joins with others such as the BC, the IPC and the GAC in calling on ICANN to revisit and reverse its decision to allow singular and plural versions of the same string to proceed to delegation. We further join with the comments of the BC and IPC insofar as they request that ICANN's Proposal be modified at least to permit the objectors an equal right to appellate review as the applicants.

Sincerely,



Thomas C. Indelicato
Vice President & Associate General Counsel
VeriSign, Inc.