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VIA EMAIL ONLY (draft-eoi-model@icann.org)

Mr. Rod Beckstrom, President and CEO and
Mr. Peter Dengate Thrush, Chairman of the Board of Directors
Internet Corporation for Assigned Names and Numbers (ICANN)
4676 Admiralty Way, Suite 330
Marina del Ray, California 90292

**Re: Request for Comments on the Draft Expressions of Interest
and Pre-Registration Model**

Dear Messrs. Beckstrom and Dengate Thrush:

Verizon appreciates this opportunity to comment on ICANN's December 18, 2009 draft Expressions of Interest and Pre-Registration Model for new gTLDs ("EOI").

Verizon believes that the proposed concept of the EOI, as currently structured, is flawed and the timing premature. The EOI concept raises both significant procedural and substantive concerns. On the procedural issues, the EOI represents a mechanism that is out of synch with ICANN's bottoms up consensus-making processes. The EOI circumvents ICANN's normal policymaking process on the critical question of whether and how to rollout new gTLDs. ICANN has also failed to consult with the GAC, and seek their input on the many potential unintended consequences posed by the EOI, as required in ICANN's Affirmation of Commitments. Unfortunately, the EOI as structured, can be viewed as merely a mechanism to move process forward, both toward ICANN's larger stated goal of expanding the domain name space and granting awards of new gTLDs to particular applicants, even before ICANN has performed its long promised independent economic study or addressed the four overarching issues that are tied to the introduction of new gTLDs. The adoption of the EOI cleverly sidesteps all these obligations and fundamental questions.

Rather than limiting the EOI to a pure information gathering exercise, which ICANN clearly could do under a different structure, the EOI is a mandatory process tied to a mandatory \$55,000 application fee, which can only be refunded in limited circumstances. An entity's failure to participate in the mandatory process would carry negative implications. The EOI therefore creates a false sense of urgency among applicants, many of whom may feel compelled to apply for new gTLDs to avoid allowing others to be granted "most favored nation" status by ICANN. The very fact that an EOI has been accepted may be viewed by applicants as a promise that ICANN will ultimately approve their application, giving them priority over other later applicants. It undermines the rigorous scrutiny that ICANN has committed to giving each application and their

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officers and affiliates (and which the business and IP community has flagged for greater scrutiny in the DAG). The fact that ICANN accepts a significant deposit, which carries with it a promise of significant future revenues, may color and impact the rigorous scrutiny and scrubbing expected by ICANN before granting an applicant the important fiduciary responsibility of operating a new gTLD registry. The process will also likely encourage certain applicants to seek venture capital and other funding based on this perceived promise from ICANN.

The ICANN community, including businesses and users, should be protected from any unintended consequences associated with the EOI process. Without proper protections, the EOI will likely be gamed by a small group of financially self-interested stakeholders as an incubator to test various monetization schemes. ICANN, as a not-for-profit entity, must be careful to avoid even the appearance of impropriety when issues, like the EOI, are directly tied to policy decisions that favor its own financial self-interest.

In light of all of these concerns, ICANN should not move forward, and especially, should refrain from taking any further action on the EOI and trademark related issues at the upcoming Nairobi meeting, when so few stakeholders, including those from the IP and business communities, will be in attendance due to safety and security concerns.

We again thank you for this opportunity to submit comments and urge ICANN to more carefully consider all the effects of the EOI.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Sarah B. Deutsch". The signature is fluid and cursive, with the first name "Sarah" and last name "Deutsch" clearly legible.

Sarah B. Deutsch