



Kelly Maser
Associate General Counsel
Intellectual Property

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Dear ICANN (draft-eoi-model@icann.org):

I am the Assistant General Counsel of the United States Olympic Committee (the "USOC") and write to you on behalf of the USOC. The USOC appreciates the opportunity afforded to us by the Internet Corporation for Assigned Names and Numbers ("ICANN") to provide these comments on the Pre-Registration Model proposal of the New gTLD Program: Aspects of an Expressions of Interest ("EOI").

The USOC is a non-profit corporation chartered by the United States Congress to coordinate, promote and govern all international amateur athletic activities in the United States. The USOC is responsible for training, entering and underwriting the U.S. teams in the Olympic Games. The Olympic Games are an international multi-sport event taking place every two years. The USOC was established, among other reasons, to create national goals for amateur athletic activities and encourage the attainment of those goals; to coordinate and develop amateur athletic activity in the United States, directly related to international amateur athletic competition; to promote and support amateur athletic activities involving the United States and foreign nations; and to promote and encourage physical fitness and public participation in amateur athletic activities.

The United States Congress granted the USOC the exclusive right to control all commercial use of Olympic imagery and terminology in the United States. Under the Ted Stevens Olympic and Amateur Sports Act ("OASA"), Congress has charged the USOC with the exclusive responsibility for organizing and sponsoring participation by the United States in the Olympic Games and Paralympic Games. 36 U.S.C. § 220501 *et seq.* The OASA also grants the USOC the exclusive right in the United States to use, among others, the marks OLYMPIC, OLYMPIAD, PARALYMPIC, PARALYMPIAD or any combination thereof. *Id.* at §220506(a)(4). In addition, no person or entity may use in commerce any simulation of the protected marks "tending to cause mistake, to deceive or to falsely suggest a connection with the [USOC] or any Olympic, Paralympic, or Pan-American Games activity" without the consent of the USOC. *Id.* at §220506(c)(3).

Unlike the National Olympic Committees of many other countries, the USOC does not rely on federal funding to support all of its efforts. The USOC raises the money it needs to feed, house and train U.S. athletes primarily by public fundraising and by licensing the use of the Olympic marks, images and terminology to its official sponsors, suppliers, and licensees. These legitimate licenses and sponsorship fees house, feed, train and otherwise support U.S. Olympic athletes, and finance the participation of the United States in the Olympic Games.

The registration of gTLDs relating to the Olympics by unauthorized parties will severely hamper the mission and goals that Congress set out for the USOC. The USOC and amateur athletes in the United States rely upon the generosity of its sponsors to train and field the teams that represent the United States in the Olympic Games. The USOC is being asked by ICANN to make the difficult decision to allocate US\$55,000 of its limited funding and resources to ICANN as a fee to enter the new gTLD landscape without a roadmap as to where the road leads. Under the proposed system, the USOC will find itself in the position of participating in the EOI process to prevent others who are not legitimate sponsors of the Olympic Games from having the opportunity to pre-register a new gTLD and then be first in line to apply for that new gTLD. Ambush marketers, speculators and well-funded public and private companies will have a tremendous advantage, whereas, participation in the EOI process will hamper the USOC which has limited financial resources and whose mission is to use that money to train amateur athletes and field a teams in the Olympic Games.

Additionally, the USOC believes that many serious issues related to the implementation of the new gTLD program have not been resolved. Such issues impact the USOC's ability to make a reasoned and informed decision as to whether to apply for a new gTLD. For example, the stability and security of the Domain Name System ("DNS") is vitally important to the USOC because it relies on a safe and secure platform to communicate its mission and information about the Olympic Games and Olympic Movement with the public. The USOC is concerned that if the new gTLDs are launched the DNS will not be secure or stable during the launch.

Our understanding is that a finalized Draft Applicant Guidebook ("Draft Guidebook") that ICANN has promised will provide a concrete roadmap for applicants, but that the Draft Guidebook have not yet been released. We also believe that the Guidebook will lay out the specifics regarding the roles and obligations of the various stakeholders and will include, among other things, ICANN's plans for protecting the trade names and/or trademarks from misuse, preventing fraud, and ensuring the security of sensitive data. We

look forward to being able to review the Draft Guidebook and anticipate that it will assist us in making decisions as to the new gTLDs. We reiterate that the requirement for mandatory participation in the proposed EOI process prior to our review of the Draft Guidebook puts the USOC in the difficult position of having to evaluate the new gTLD opportunity and make important operational decisions without the benefit of important details.

The USOC strongly believes that the introduction of the EOI program at this time and as proposed is not prudent. The USOC and other non-profit organizations work hard to deliver important humanitarian, peace-promoting, educational and lifesaving services to the communities they serve and the USOC believes that the proposed EOI process will hamper those efforts through the unnecessary use of precious resources. Accordingly, the USOC implores ICANN to reconsider its decision

Sincerely,



Kelly C. Maser

cc: Peggy Reardon, INTA