

Mr. Paul Twomey
President and CEO
Internet Corporation for Assigned Names and Numbers
4676 Admiralty Way, Suite 330
Marina del Rey, CA 90292-6601
USA

Re: Demand Media's Comment on Module 3

Dear Mr. Twomey:

This RFP will initiate the first truly open round of TLDs since ICANN was established ten years ago. We believe these TLDs will inject innovation, investment, and new competition to the DNS to the strong benefit of consumers, businesses, Governments and the DNS itself.

Some have asked why we need new TLDs at all, suggesting that consumers are not clamoring for them. We think such arguments display a misunderstanding of the nature of innovation. The most productive and beneficial developments in science and business have rarely been the result of broad public demand for a specific development. Rather, the very concept of innovation means that most people did not think of the idea until after its introduction.

We are reminded of the introduction of FM radio when some questioned the need for change on the grounds '*we already have radio*', since AM already existed. We believe just as FM and its following technologies resulted in higher quality service and choice for consumers, new TLDs will also begin a second phase of innovation and service improvement for DNS users.

We also think it is illogical to argue against TLDs because they might result in consumer confusion. Using this approach we would stop all new services and brands in other industries. No one can predict what improvements will come as a result of new TLDs and the products bundled with them, but history indicates there will be improvements. The process of achieving this innovation will not be a free-for-all. ICANN has balanced innovation with strong contractual and technical safeguards to protect registrants and trademark holders, and to ensure DNS security and stability.

This RFP has been in development a long time. Over the past months and years there has been a huge amount of input, discussion and study resulting in the document we now all see. We believe the document is a very well crafted synthesis of the inputs received. It proposes strong and practical solutions to the many issues raised during the process.

We think the RFP is solid in almost all respects and we encourage ICANN to not let perfection become the enemy of good. We encourage the timely review of comments on this current draft, prompt issue of the final version and swift progress to the bid submission phase. In particular, we recommend the four month 'global communications campaign' start concurrent with issue of the next RFP draft (planned for February 2009). Some argue that this communications campaign should not start until after the RFP is finalized in May 2009. We believe this would unnecessarily delay the process by four months, as well as denying the audience for the campaign an opportunity to meaningfully comment on the RFP.

Failure to stick with a Q2 2009 commencement for application submission will put some of the anticipated competition and innovation benefits to consumers at-risk. Like many others we have investors and business plans that rely on timely implementation of this process.

Comments on Module 3

3.5.1 String Confusion Objection Standard

The standard applied in this section is the same as that applied in Module 2.1.1.1 'String Confusion Review' in that "*probable confusion must occur in the mind of the average internet user*". We strongly endorse this approach to similarity objections, and we believe it must apply to visual similarity only. Any broadening of the standard will limit competition by allowing existing and new registries to block large swathes of 'like strings'. We also agree with ICANN that the only outcome of a successful objection originating from one applicant against another must be a string contention set.

We are particularly concerned by synonyms. Take .TRAVEL, purely as an example. We do not think the interests of consumer choice and competition are served by allowing TRAVEL to exert objection rights over words merely associated with the concept of travel. We do not think JOURNEY, VISIT or VOYAGE, for example, should be prevented as TLDs because the existing registry believes they are similar to TRAVEL. Using this approach WEB would be blocked as it has a similar meaning to NET. BIZ would have been blocked as it has a similar meaning to COM, etc. The standard should remain that consumers think they are going to one place when they are going to another. Legitimate examples might be .BIZ, .COM, . TRAVELS. Just as www.travel.com and www.visit.com are allowed to exist at the second level we see no benefit to internet users from tying these strings at the Top Level. Again, we use TRAVEL purely for illustrative purposes.

3.5.2 Legal Rights Objection Standard

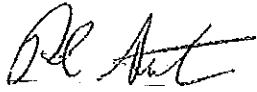
We commend ICANN for creating a well considered and well articulated standard here. We have been concerned that trademarks are being granted in certain jurisdictions for various ".SOMETHING" strings purely for the purpose of gaining advantage in the TLD application process. Strict application of the eight factors in 3.5.2 should prevent such gaming of the process.

3.5.3 Morality and Public Order Objection Standard

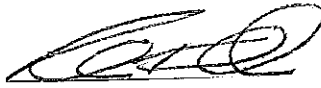
This is a difficult issue to standardize due to varying global standards. We have two observations:

- a. Given the cost and complexity of applying for and operating a TLD we believe there will be very few applications that test this standard; and
- b. Governments can implement appropriate measures at the national level for any TLD that breaches an established law in that country.

Regards,



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Demand Media, Inc.



Richard Tindal
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