



GE Money

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To: ICANN (gtld-guide@icann.org)

Re: Comments to the New gTLD Program and Process

Dear Mr. Twomey and Mr. Dengate-Thrush:

I am writing regarding the proposed expansion in the availability of generic top-level domain names ("gTLDs") by the Internet Corporation for Assigned Names and Numbers ("ICANN"). We at GE Money, a unit of General Electric's GE Capital business, are concerned about this proposal and the impact a significant expansion in the number of gTLDs could have on brand owners.

As we understand it, the new ICANN gTLD program will allow organizations located anywhere in the world to apply for new gTLDs based on almost any word or string that is three letters or more, including applications for gTLDs based on business names and trademarks (e.g., .generalelectric, .coke or .bmwcars). While ICANN's gTLD expansion plan presents business opportunities, it does increase the risks and burdens for trademark owners. An increase of gTLDs will likely expand, to some extent, the ever-growing challenges of brand protection for trademark owners on the Internet. For example, if a trademark owner does not apply for the relevant gTLDs in the initial application round, the owner could potentially lose the ability of registering either identical or similar gTLDs in the future. Moreover, the proposed gTLD application cost of around \$200,000 does make large scale defensive registration a less feasible brand protection strategy. Instead, from what we can tell, a brand owner will have to proactively monitor ICANN for new gTLD applications that may be infringing on its rights or pose a threat to its branding.

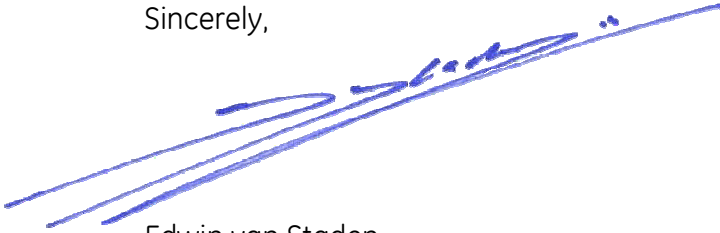
We are mindful, however, that these very same costs may likewise limit the number of potentially infringing gTLD applications. It is obviously far easier and less risky to be a cybersquatter registering a domain name than a cybersquatter applying for a gTLD with fees in excess of \$200,000 with added potential dispute resolution costs. Nevertheless, an unbridled expansion of gTLDs without adequate and cost effective protections for brand owners will pose a significant challenge for the protection of our brands.

We have reviewed the *Draft Applicant Guidebook* (the "Guidebook") that sets out proposed policies and processes for the new gTLD program. Although ICANN has

proposed in the Guidebook a dispute resolution process through which it will evaluate objections by existing rights holders to the establishment of new gTLDs, we share the concerns that a number of brand owners and trade organizations, including the Association of National Advertisers, have raised. Some of our concerns, by way of example, include the potentially high cost of the filing and adjudication fees of a challenge, the lack of any procedure in place to notify brand owners that a third-party has submitted an application that includes the owner's trademark as part of a proposed gTLD string, the lack of a defined and cost-effective appeal mechanism, and the lack of clear jurisprudence or guidelines on the burden of proof that will be needed to prevail in a challenge to an application.

These are but some of the concerns that have been expressed to date, and which we at GE Money share, with respect to ICANN's proposed gTLD expansion program.

Sincerely,

A handwritten signature in blue ink, consisting of several overlapping, fluid strokes that form a cursive name.

Edwin van Staden