



Adobe Systems Incorporated
801 North 34th Street
Seattle, WA 98103-8882
Phone 206 675.7000

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Internet Corporation for Assigned Names and Numbers (ICANN)
4676 Admiralty Way, Suite 330
Marina del Rey, CA 90292-6601

Re: **ICANN's Proposed New gTLDs**

Dear Sir/Madam:

Adobe Systems Incorporated ("Adobe") respectfully submits the following comments regarding ICANN's proposed generic Top Level Domains in response to ICANN's invitation for public comments.

Founded in 1982, Adobe is one of the world's largest software publishers and the world's leading provider of software solutions to create, manage and deliver high-impact, reliable digital content. From the perspective of a company with a considerable amount of intellectual property assets to protect worldwide, Adobe has serious concerns about the ICANN top level domain policy that is in the process of being implemented. Specifically, Adobe is concerned with (1) the immense cost and efforts that will be required to register these gTLDs and to defend existing intellectual property rights against any new gTLD that infringes, dilutes or otherwise harms or weakens those rights, (2) the risk of severe damage to the intellectual property rights of trademark and brand owners that will result, and (3) the inadequately defined application and dispute resolution processes that place the burden on trademark owners to prevent the registration of new gTLD extensions that infringe on their marks and threaten to cause confusion detrimental to consumers and the public. Based on these concerns, Adobe believes that the launch of new gTLDs as currently proposed by ICANN should be significantly reconsidered or re-evaluated.

First, Adobe believes that the creation of new gTLDs that can consist of trademarks or that may infringe existing trademarks will create significant risk and expense for trademark owners without creating any discernible corresponding benefit. Defending against, tracking and policing domain name infringers and cybersquatters is a time-consuming and hugely costly endeavor for trademark owners under the current system. This has become even more of an issue as top level domains have proliferated. ICANN's contemplated expansion of the domain name space will provide marginal, if any,

additional benefit to trademark owners while vastly increasing the associated risks and costs. Under the proposed process, in order to protect its rights, a trademark owner will be required to invest hundreds of thousands of dollars preparing, applying for, establishing the infrastructure for, administering, and maintaining a gTLD consisting of that trademark. This expenditure will be multiplied several times over for owners of multiple marks, not to mention the additional costs if that trademark owner finds itself engaged in a bidding war with another claimant, legitimate or not, for that same gTLD. If a trademark owner fails to engage in this process, it faces the risk that another entity with inferior or no rights will apply for the same gTLD and use it to divert customers, brand value, and goodwill away from the legitimate rights-holder. All of these efforts will be directed towards enforcing and protecting new gTLDs that are costly and unnecessary for most brand owners, who currently conduct most of their business under the .com regime.

In addition, because the new gTLD launch as currently proposed is not limited and controlled appropriately, brand owners like Adobe will be faced with extensive and costly challenges to their intellectual property rights. Cybersquatters and domain name speculators will be able to capitalize on the trademarks of others to the detriment of legitimate rights owners, necessitating costly and time-consuming enforcement efforts worldwide. Moreover, an environment of literally hundreds of new gTLDs will render effective trademark protection virtually impossible and create extensive confusion among consumers and the public.

The proposed gTLD procedures, as currently drafted and defined, do not indicate how such negative impacts will be remedied, minimized, and/or successfully treated or resolved. Currently, the Legal Rights Objection (LRO) procedure within the ICANN process appears to be the sole means that a trademark owner has to prevent the recognition of a new gTLD that incorporates or infringes on its trademark and that threatens to cause confusion detrimental to the mark owner's customers and the public. In addition, 100% of the financial burden of objecting to any application made for a new gTLD will be borne by the existing rights owner under the proposed guidelines. We believe that the Draft Applicant Guidebook, as currently constituted, does not provide sufficient means of intellectual property protection and that this issue must be adequately and effectively addressed by ICANN before moving forward.

It is Adobe's belief that given these risks and concerns for brand owners like Adobe, ICANN should reevaluate the current plan for new gTLDs, at least insofar as it involves the award of any new gTLDs that comprise trademarks. We believe that for ICANN to move forward with the proposed plan at this time and as currently configured would be a mistake.

Adobe thanks you for your time and attention to this matter. We look forward to working with you to identify a solution that would better address the concerns of Adobe and other trademark owners and will avoid the unintended and undesirable consequences that we believe will result from new gTLD plan as currently proposed. Please feel free to contact the undersigned if you have any questions about this submission.

Sincerely,



Daniel C. Poliak
Associate General Counsel
Adobe Systems Incorporated
801 N. 34th Street
Seattle, WA 98103
Phone: 206-675-7000