

December 15, 2008

Dr. Paul Twomey  
President and CEO  
Internet Corporation for Assigned Names and Numbers (ICANN)  
4676 Admiralty Way, Suite 330  
Marina del Rey, CA 90292

**Via E-Mail:** [gtld-guide@icann.org](mailto:gtld-guide@icann.org)

Re: Draft Applicant Guidebook for New Generic Top-level Domains

Dear Dr. Twomey:

Ameriprise Financial, Inc. ("Ameriprise") appreciates the opportunity to comment and present its views related to ICANN's Guidebook and the New Generic Top-Level Domains ("gTLDs") program.

Ameriprise believes that the negative effects of issuing new gTLDs will far outweigh any potential benefits for the financial services and other industries generally, and Ameriprise specifically. The costs to register these domains for defensive purposes and/or to police new gTLDs that may be registered by non-brand owners will create an exorbitant amount of additional costs in an already strained economic environment. Ameriprise has already spent hundreds of thousands of dollars to police our trademarks and domain names in past years through UDRP actions and outside counsel fees. The introduction of additional gTLDs will only increase these costs, and for little, if any value.

We estimate that the new gTLD program will cost Ameriprise over a million dollars for the registration and maintenance of only two domain names in one year: an additional gTLD application fee of \$185,000 per extension for .ameriprise and .riversource, an annual renewal fee of \$75,000 and \$50,000 to establish and run a registry, and the costs associated with setting up and operating a registry and filing and defending each objection. Even if Ameriprise chose not to register new gTLDs, we will likely incur ongoing expenses to monitor for potentially infringing gTLDs to ensure our marks are protected.

Additionally, the universal ".com" gTLDs would be replaced by unlimited possibilities requiring consumers to memorize the entire URL instead of just "Ameriprise." Combating this would require additional money to create awareness and

adoption of new URLs. For example, Ameriprise would be forced to create new marketing campaigns, driving up even more costs, in order to educate the public and reduce consumer confusion. Optimizing search engines will also require expanded investment.

In addition to increased costs and consumer confusion, the gTLD program raises significant new concerns relating to internet stability and security, trademark infringement, domain name abuse, and phishing. The new gTLD program would likely increase the instance of "cybersquatters" and "domainers." Take for example, Kevin Ham who "since 2000 has quietly cobbled together a portfolio of some 300,000 domains that, combined with several other ventures, generate an estimated \$70 million a year in revenue." *The man who owns the Internet*, [CNNMoney.com](http://CNNMoney.com), (June 1, 2007). These cash windfalls encourage individuals to exploit every angle: using pay-per-click, domain tasting, and profiting from traffic generated by millions of people who mistakenly mistype domain names. Companies need to be able to protect themselves from these types of major-league "domainers." This new gTLD program would open up a whole new world of opportunity to "dotcom moguls" to take advantage of a system that is not adequately set up to protect brand owners.

Ameriprise is concerned that the implementation of an objection-based process for dispute resolution is not adequate and is an unsatisfactory mechanism to protect trademark holders and their brands. Much greater safeguards are required to protect registrants, not only in the new gTLDs, but in existing gTLDs that would be affected. We will not have a choice but to spend money chasing down these types of individuals because we have an obligation as a trademark owner to police the use of our marks. Due to the possibility that hundreds, if not thousands, of new gTLDs could be approved, ICANN should recognize that the UDRP no longer provides adequate remedies for brandholders.

If it proceeds in spite of these objections, ICANN needs to take more preventative measures at the outset to ensure that trademark holders do not have to expend funds chasing down unauthorized abuse of their intellectual property. There has been some discussion regarding the implementation of more restrictive requirements for those applying for gTLDs that contain trademarks. A system should be put in place that gives trademark owners the opportunity to block or object to gTLDs that contain their trademarks in advance, which would help to reduce costs they would need to expend for the protection of their brands while minimizing fraud opportunities later.

There is no denying that we are in the midst of a worldwide recession where businesses and consumers are experiencing layoffs, bankruptcies, and budget cuts. This draws into question just how many financial industry entities, would be forced to make a Hobson's choice regarding the protection of their intellectual property during this already difficult time, and whether now is the time to be launching such a costly and expansive initiative. We believe it is only going to get worse and more expensive for companies if ICANN does not take into consideration the impact this can have on corporations and their brands. Therefore, we prefer that the new gTLD launch be delayed

until basic safeguards are adopted to protect against brand abuse that give brand owners a more cost-effective means for dealing with the ramifications that may follow a launch such as this.

Sincerely,

A handwritten signature in cursive script that reads "Michael J. Newman". The signature is written in dark ink and is positioned to the right of the word "Sincerely,".

Michael J. Newman-  
V.P.-Group Counsel, Intellectual Property & Technology  
Ameriprise Financial, Inc.