

The International Anti-Counterfeiting Coalition (the “IACC”) welcomes this opportunity to comment on the important issues associated with the proposed enlargement of generic Top-Level Domain Names (“gTLDs”) as developed in the Draft Applicant Guidebook (“Applicant Guidebook”) published by ICANN for comment. The IACC applauds the work of the Implementation Recommendation Team (“IRT”) and the substantial amount of work undertaken by the IRT in the very short amount of time provided to draft and publish its draft report (<http://www.icann.org/en/topics/new-gtlds/irt-draft-report-trademark-protection-24apr09-en.pdf>) (“Draft Report”).

The IACC is the largest multinational organization exclusively advocating the interests of companies concerned with product piracy and counterfeiting. Our members consist of approximately 150 corporations, trade associations, and professional firms and collectively earn total revenues of over \$650 billion. The intellectual property owners represent a cross-section of industries, consisting of many of the world’s best known companies for the various products that they develop, manufacture and distribute in the entertainment, automotive, pharmaceutical, motion picture, consumer goods, personal care, apparel and other product sectors. These members regularly conduct intellectual property enforcement efforts in scores of countries around the world.

As noted in previous comments submitted on behalf of the IACC, the enforcement interests of the IACC are such that its primary concern with the proposed enlargement of the gTLD space lies with insuring a robust, complete, reliable and accessible WHOIS database. See comments filed at (<http://forum.icann.org/lists/2gtld-guide/msg00109.html>; <http://gnso.icann.org/ mailing-lists/archives/council/msg02618.html>; <http://forum.icann.org/lists/whois-services-comments/msg00015.html>; <http://forum.icann.org/lists/whois-comments-2007/msg00117.html>). The maintenance of a comprehensive, robust and reliable WHOIS database was among those elements contemplated at the time of ICANN’s inception.

Consistent with previous comments submitted on behalf of the IACC, we welcome the IRT’s proposal to require a thick WHOIS specified in the Draft Report. The IACC believes that a thick WHOIS is consistent with the commitments undertaken by ICANN pursuant to its agreements with the United States Government. Renewal of that commitment as it relates to policies to be applied in the proposed new gTLDs will substantially allay the IACC’s concerns with enforcement issues arising within that enlarged domain name space and with ICANN’s commitment to a transparent, stable and reliable Internet infrastructure.

The viability of the thick WHOIS model has been proven in gTLDs created under ICANN’s auspices – including .biz and .info. Moreover, the requirement of thick WHOIS databases in those gTLDs has never been found to violate local privacy laws. Any such concerns can adequately be addressed within the context of a thick WHOIS registry. Conversely, the importance of a thick registry is magnified within the context of the proposed enlargement of the gTLD space. The difficulties of enforcement of legal obligations (and not just intellectual property rights) will be magnified within an enlarged gTLD and that added challenge can be offset at least in part through the requirement of added data in a thick WHOIS.

Similarly, the IACC agrees with the Draft Report’s commitment to a centralized, authoritative and accessible WHOIS database – also an underlying commitment undertaken by ICANN under the terms of its initial agreement but substantially undermined by registrar noncompliance and past enforcement failures by ICANN. The fragmentation of WHOIS data will only become more pronounced within an enlarged gTLD space and this too can be addressed through the simple requirement of a centralized database – which will have the added benefits of insuring greater efficiencies for registries and registrars within the proposed new gTLDs. A renewed commitment to a centralized WHOIS database will only further reinforce the perception that ICANN is prepared to undertake administration of the domain name space in a mature and serious manner.

Again, the IACC thanks you for the opportunity to comment on these important issues.

Very Truly Yours,

J. Andrew Coombs  
Chair, Internet Committee

cc. ICANN Board of Directors