



July 3, 2009

Mr. Rod Beckstrom
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Internet Corporation for Assigned Names and Numbers ("ICANN")
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Mr. Peter Dengate Thrush
Chairman of the Board of Directors
ICANN
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Ms. Caroline G. Chicoine
Chair, Implementation Recommendation Team
ICANN
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**Re: Comments on the Implementation Recommendation Team's ("IRT")
Final Report**

Dear Messrs. Beckstrom and Thrush and Ms. Chicoine:

Regions Financial Corporation ("Regions") welcomes the opportunity to provide comments on the IRT's final report (the "IRT Report"). Regions is currently serving as chair of the Internet Security and Stability subgroup within BITS, the operating and technology division of The Financial Services Roundtable ("BITS") and has participated actively through BITS and on its own behalf in ICANN's work, including the recent working group that addressed privacy issues in relation to the WHOIS service and submitting comments of the Draft Applicant Guidebook, Version 2 ("DAG 2").

Regions supports the work of the IRT in recommending rights protection mechanisms ("RPMs") to be implemented in connection with any new gTLDs. Our detailed comments are provided below – we feel that the proposals are a strong start but do not go far enough in relieving the burdens on trademark owners. More has to be done to share and spread the costs of

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implementing the various recommended RPMs, so that these costs are not simply borne by trademark owners. Regions also strongly recommends that the launch of any new gTLDs is delayed until the recommendations of the IRT Report (in final form) are fully incorporated into the ICANN system and planning for new gTLDs.

General Comment

In its comments on the DAG 2, Regions stated that it is very concerned about ICANN's proposal to expand the number of gTLDs. Regions believes that the negative effects of issuing numerous new gTLDs far outweigh the potential benefits. While Regions recognizes that part of ICANN's long-term mission is to promote competition and consumer choice, we continue to believe that this roll-out of new gTLDs at this time will needlessly complicate and compromise Internet security and stability, while imposing substantial new costs on consumers, businesses and the financial services industry, in particular. With that said, the IRT Report is a step in the right direction, providing recommendations for a number of innovative RPMs that would reduce harmful practices, fraud and infringement. However, we believe the costs on innocent third-parties remain high and more of this burden should be shared by incorporating these costs into the fees for registering a domain name or applying for a new gTLD. In addition, Regions strongly recommends that the launch of any new gTLDs be delayed until the recommendations of the IRT Report (in final form) are fully implemented and operational.

Detailed Comments

Regions has organized its comments according to the breakdown provided in the IRT Report, which contained five areas of proposals:

1. IP Clearinghouse, Globally Protected Marks List and associated rights protection mechanisms, and standardized pre-launch rights protection mechanisms

(i) Mandatory approach: Regions supports the concept of the IP Clearinghouse and recommends that it be mandatory and that all new "open" gTLD operators must interconnect with and use the services (and offer services based upon) of the IP Clearinghouse.

(ii) Quality, reliability and Oversight of IP Clearinghouse: The IRT Report recommends that the IP Clearinghouse should be operated by a neutral, outsourced service provider under a renewable multi-year contract with ICANN. The international scope and centralized nature of the IP Clearinghouse heightens concerns about the proper oversight and operation of this new entity. It will be providing services that might otherwise be provided by a government or non-governmental organization. Regions therefore emphasizes that the quality, integrity, and financial stability of this service provider is of paramount concern. There must be adequate safeguards and strict oversight of the IP Clearinghouse, as well as full transparency in its operations. In addition, there should be strict limits on the use of data provided by trademark owners. The service provider for the IP Clearinghouse should be of the same caliber as WIPO, which has demonstrated its service, reliability and expertise in relation to administering UDRP cases. A "not-for-profit" service provider may be the optimal model

for providing these services. A weak service provider for any of the envisaged RPMs will undermine the system and the protections to rights holders.

(iii) Cost Sharing: The IRT Report suggests that the cost to a trademark owner of placing and maintaining a record in the IP Clearinghouse “should be reasonable.” Regions recommends, however, that part of the costs for underwriting the IP Clearinghouse should be included in the fees for applying for a new gTLD or for registering a domain name. In other words, the current cost of registering a domain name is artificially low because it does not reflect (and incorporate) external costs associated with the bad faith and malicious registration of domain names. These costs should be incorporated up-front into (1) the application fee for a new gTLD, and (2) the fee for registration of a domain name. In this way, these fees can be used to defray follow-on burdens on innocent third-parties, so that the costs to users of the IP Clearinghouse and its RPMs can be lower.

(iv) Validation of TM Data: The IRT Report suggests that trademark data will be validated initially when submitted and annually thereafter. Regions suggest that the validation of such trademark data should set for a 2- or 3-year cycle to reduce associated burdens on trademark owners.

(v) Financial sector terms: The IRT Report indicates that the IP Clearinghouse “should be structured so that it can accommodate a panoply of [] rights...” While Regions recognizes that the IRT has chosen to focus on trademarks, Regions proposes that the following strings/terms related to the financial sector should also be allowed as data records to be held by the IP Clearinghouse and given a status equal to a Globally Protected Mark (“GPM”):

“.bank”, “.fin”, “.finance”, “.banc”, “.ins”, “.insurance”, and “.broker.”

In its comments to ICANN on the DAG 2, Regions had urged that these financial-type gTLDs be removed completely from the application process.

(vi) IP Claims Service for non-GPM marks: Regions supports the recommendation for a Pre-Launch IP Claims Service for non-GPMs. Regions would also recommend that this notification service not be limited only to the “pre-launch” period. In addition, Regions disagrees with the recommendation that a new gTLD registry can elect to provide a Sunrise Registration Process in lieu of the Pre-Launch IP Claims Service. Such a voluntary Sunrise Process, including standard Sunrise Eligibility Requirements (“SERs”), should be in addition to the mandatory participation in the IP Claims Service for all new “open” gTLDs.

Regions continues to recommend that the definition of an “identical match” on page 22 of the IRT Report should be extended to include both the singular and plural form of all trademarks held within the IP Clearinghouse. For example, in the case of Regions, whose name includes the “s”, an identical match should include the singular word “region,” which would trigger an IP Claims Service watch notice. Both words have the same root, although one form adds the “s.” Similarly, the singular trademark DISNEY should trigger an identical match for purposes of the Claims Service if the term “DISNEYS” is applied for.

2. Uniform Rapid Suspension System (“URS”)

Regions supports the IRT’s recommendation of the URS as a mechanism designed to reduce the cost and burden of taking action to protect against infringement and abuse. Regions also believes that, like the IP Clearinghouse, the URS should be mandatory for all new gTLDs. Regions is concerned about whether the remedy – limited only to a suspension of the domain name until such time as the domain name registration expires – will be truly effective. Similar to Regions’ comment in relation to the IP Clearinghouse, the quality and reliability of the third-party provider of URS services is extremely important. A provider such as WIPO, which has demonstrated its consistency and reliability in relation to the UDRP, should be used for implementation of the URS. To improve the complementary nature of the URS and UDRP, a complainant should have the option of filing URS and any subsequent UDRP proceedings with the same provider. Currently, Nominet operates a two-track dispute resolution service for the “.uk” ccTLD, in which decisions are made as to whether the case should be resolved by an expedited lower-cost procedure or the more expensive administrative procedure similar to the current UDRP. Nominet does not use a separate dispute resolution provider to determine whether a case fits within one procedure or the other.

3. Post delegation dispute resolution mechanisms at the top-level

Regions supports the IRT’s recommendation for a Post-Delegation Dispute Mechanism. Regions also appreciates the revisions in the final IRT Report, which provide a larger role to the third-party complainant to participate in all phases of the Post-Delegation Dispute Mechanism proceedings. We agree that a three-member Panel should be used and that this Panel should determine the enforcement action and recommend it to ICANN, so that ICANN, as a party to the conflict, is not in the position of selecting the appropriate enforcement sanctions, as this would involve a conflict of interest for ICANN.

4. Using the “Thick” WHOIS approach for new TLDs

Regions strongly supports the IRT’s recommendation of a Thick WHOIS model, whereby all registry operators of new gTLDs be required to maintain the central, registry-level provision of robust WHOIS information for all domain names registered within the registry.

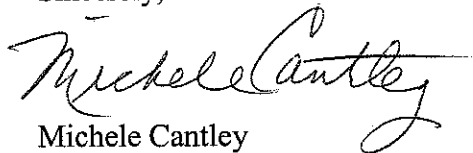
5. Use of algorithm in string confusion review during initial evaluation of new gTLD applications.

Regions supports the IRT Report recommendation to expand the comparative analysis beyond visual similarity alone to include consideration of the aural and commercial impression (meaning) created by a proposed string, which will assist in the initial evaluation process.

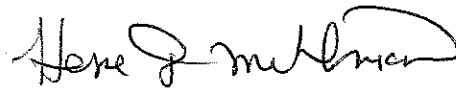
Conclusion

Trademark protection is an extremely importance issue that must be properly addressed before the launch of any new gTLDs. While the IRT Report is an important step, Regions considers that work still needs to be done by ICANN to reduce the burden on trademark owners that will be caused by numerous new gTLDs. Moreover, Regions agrees with other comments emphasizing that ICANN is moving forward without having adequately addressed the threshold issue of whether there is a genuine need for new gTLDs. Financial institutions continue to conduct their business under the current system, and very few welcome the proposal for new gTLDs given the significant administrative, legal and financial costs and resources that will be required.

Sincerely,



Michele Cantley
Senior Vice President &
Chief Information Security Officer



Hope D. Mehlman
Senior Vice President &
Associate General Counsel

About Regions Financial Corporation

Regions Financial Corporation, with \$142 billion in assets, is a member of the S&P 100 Index and one of the nation's largest full-service providers of consumer and commercial banking, trust, securities brokerage, mortgage and insurance products and services. Regions serves customers in 16 states across the South, Midwest and Texas, and through its subsidiary, Regions Bank, operates 1,900 banking offices and approximately 2,300 ATMs. Its investment and securities brokerage trust and asset management division, Morgan Keegan & Company Inc., provides services from over 300 offices. Additional information about Regions and its full line of products and services can be found at www.regions.com.