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February 8, 2006

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

6 Rond Point Schuman
Bt. 5
Brussels B-1040 Belgium

Re: ICANN's Consideration of Adoption of Formulation 1

Dear ICANN Members,

I am writing to you on behalf of Sony Pictures Entertainment ("SPE"). SPE's global operations encompass motion picture production and distribution, television programming and syndication, home video acquisition and distribution, operation of studio facilities, development of new entertainment technologies and distribution of filmed entertainment in 67 countries worldwide.

One of our roles at SPE is to handle domain registration and management of all SPE domain names. SPE registers domain names in order to promote its global theatrical and home video releases and television programming. In addition, SPE registers domain names for internal use as a means of connecting employees to various SPE departments. Due to SPE's diverse global operations and the importance that it places on its global reputation as a leader in the entertainment industry, domain registration and management is critical to its daily operations. As such, SPE registers domain names not just for the activities described above, but also defensively to prevent infringers from illegally registering domain names infringing upon the SPE trademark or tradename, as well as the trademarks and tradenames of its parent, affiliates and subsidiaries (collectively with SPE, the "SPE Family").

Such illegal use of the SPE Family trademarks and tradenames dilute the distinctiveness and tarnishes the reputation of the SPE Family trademarks and tradenames by allowing infringers to trade upon the goodwill and reputation that the public associates with the SPE Family and its trademarks and tradenames. In addition, these acts of unfair competition substantially interfere with the merchandising and licensing of the SPE

Family. That is why it is imperative that SPE protects its trademarks and tradenames by actively going after these infringers. Failure to do so could result in millions of dollars in lost revenue, permanent damage to the goodwill of the SPE Family, public relations nightmares and the risk that such trademarks and tradenames might be considered abandoned.

WHOIS databases are the first source that we use to decipher the owner of a domain name. Once we receive this information, we can easily determine if the owner of the domain name is lawfully using the domain name or illegally infringing upon one of SPE's trademarks or tradenames. The current system allows us to efficiently retrieve this information as is critical to my daily operations.

We are very concerned that if Formulation 1 passes, that we will be greatly hindered in our abilities to protect our intellectual property. It is crucial that we have the ability to quickly determine the owner of various domains. We agree with ICANN's Intellectual Property Constituency's assessment that WHOIS databases remain a cornerstone of accountability on the Internet and that business and law enforcement need the information available in WHOIS to investigate copyright piracy, trademark infringements, cyber-squatting, on-line fraud, phishing, and cyber-crime in general.

As such, we respectfully disagree with those favoring Formulation 1 stating that the only purpose of WHOIS is to "resolve issues related to the configuration of the records associated with the domain name within a DNS nameserver" In our opinion, this view is too narrow and does not take into account the critical uses of WHOIS, described herein.

Therefore, we strongly urge ICANN not to adopt Formulation 1, but rather to adopt Formulation 2. Please feel free to contact me at (310) 244-8313 if you wish to discuss further.

Very truly yours,

A handwritten signature in cursive script that reads "Jared Jussim".

Jared Jussim