December 30, 2011

TO: Dr. Steve Crocker, Chair, ICANN Board

Mr. Rod Beckstrom, CEO/President, ICANN

The Business Constituency [BC] is one of seven constituencies of the Generic Names Supporting Organization. In this capacity, the BC has been actively engaged in ICANN, with many of our members involved at ICANN’s inception, working within ICANN’s multi stakeholder processes and externally, to support its institutional capacity and acceptance.

ICANN’s BC, like many stakeholders, understands the critical importance of a well-executed, responsible and accountable expansion of new top-level domains, in particular those who to serve non ASCII scripts and community serving TLDs. While working within ICANN’s multistakeholder processes, the BC reiterated numerous times that the gTLD expansion must include strong safeguards to limit harm to users that may occur from user confusion and trademark challenges, and the need for defensive registrations.

This letter calls to the Board’s and senior staff attention the need for improvements in specific areas related to these continuing concerns. As the Board is aware, growing concern is also being expressed by some global companies and some of the associations who represent them, who are assessing the substantial financial costs associated with defensive registrations and other legitimate concerns. Among some business users, concern about many aspects of the new gTLD program are high, and increasing. Other business users are supportive of the new TLD program, and indeed intend to apply for new gTLDs that correspond to their brand names and/or to their industry keywords.

In the spirit of striving to improve the Guidebook as the launch of new gTLDs progresses, we propose specific and achievable improvements to the Implementation plan. We further note that the Communications Plan needs significant enhancement. Taking these remaining steps will significantly improve the new gTLD program and will contribute to limiting some of the expense and risks that the present new gTLD program presents to existing registrants.

Summary of proposed improvements:

* Incorporate registry applicants’ commitments into their registry agreement, with well based sanctions and enforcement mechanisms provided by ICANN
* Add a transfer option of the domain name into the URS program, for an additional fee
* Provide *centralized* Trademark Clearing House services overseen by ICANN, to ensure standardized streamlined submission processes for those choosing to use the basic Trademark Clearinghouse services *and*
* [THIS SHOULD REFER BACK TO PRIOR AGREED WRITTEN POSITION RE SCORING FOR COMMUNITY PRIORITY EVALUATION (11 rather than 12 points)]ICANN will need to continue to work on WHOIS accuracy in parallel, and incorporate mechanisms to improve WHOIS accuracy as a requirement that is effectively enforced in the new gTLDs, including appropriately accessible WHOIS information for IDN domains.
* The gTLD Communications Plan must be significantly improved and enhanced to ensure that non applicants are also being reached and educational/awareness materials and mechanisms about the implications of new gTLDs on registrants who must protect trademark names online must be added into the Comms Plan
* The gTLD Comms Plan should include a commitment to open a second round for new gTLDs after a responsible review process and any needed changes and improvements in the process. The dates can be contingent on first round milestones and adjustments, but the commitment must be firm enough to show potential applicants that they can obtain a gTLD soon enough to match competitors or participate in emerging trends.

The Business Constituency supports ICANN. Our broad goals as a Constituency include broadening and deepening the involvement of business users in ICANN, and we look forward to continuing our active engagement with ICANN at all levels to support the multistakeholder nature. The improvements we identify, and enhancements to the Communications Plan are achievable within the necessary time frames before new gTLDs are entered into the root, and will improve the gTLD program’s chances for success. They will also address many of the valid concerns that are still arising from many business users.

The changes the BC proposes will improve the gTLD program chances for success, while lessening risk for existing registrants, and indeed for applicants for new gTLD strings. The BC’s members are concerned about ICANN’s stability as it moves toward such a major change in the face of the Internet – the domain name system. The BC stands ready to continue its collaboration and work with the ICANN staff and other stakeholders toward making these improvements to the new gTLD Guidebook, before gTLDs go live in the root.

Respectfully

Marilyn Cade, Chair, Business Constituency

Steve DelBianco, Vice Chair, Policy Coordination, Business Constituency

CC: ICANN Board

BC Membership