

September 26, 2018

## **USPS Public Comment on Portions of the Subsequent Procedures Initial Report**

The United States Postal Service (“USPS”) appreciates the opportunity to comment on the GNSO Subsequent Procedures Policy Development Process Initial Report. USPS is an independent establishment of the United States Government and does not receive any taxpayer dollars to conduct its delivery operations.

References to section numbers below refer to the questions contained in the Annex to the Initial Report.

### **Global Public Interest – Section 2.3.2**

Public Interest Commitments in connection with new gTLD applications are useful and proper. These help preserve the public interest and public trust in the Internet. They also offer opportunities for applications that might not otherwise succeed to move forward.

### **Applicant Freedom of Expression – Section 2.3.3 and Legal Rights Objections – Section 2.8.1**

The Legal Rights Objection Process in the 2012 round proved difficult. Trademark strings in cases where the proposed TLD is an exact match with (or very close to) the brand name are problematic. In the case of exact match, there is only one TLD for that particular string. Where the name is exact match or too close to exact match, consumers are likely to be confused, which will result in a lack of consumer trust and confidence in the Internet. Considering the high burden required to establish a Legal Rights Objection, no new exceptions should be created that would diminish the trademark holder’s rights.

### **“Closed” Generic Registries – Section 2.7.3**

If ICANN authorizes applications for “closed” generic TLDs in the next round, an Objection process based on failure to serve the Public Interest should be established.

### **Evaluation of Applications – Section 2.7.7**

New services for a proposed new TLD should all be disclosed at the time of application so that they are open for public comment.

**Name Collisions – Section 2.7.8**

Regarding all name collision issues and questions contained in the Initial Report, the Working Group should defer to the Security and Stability Advisory Committee Name Collision Analysis Project (“NCAP”) Report when final. Evaluation of any name collision mitigation proposal made by any individual applicant, if consistent with the final recommendations of the NCAP adopted by the ICANN Board, should be performed by an independent third party and not by ICANN staff. (Please see the attached USPS comments dated April 18, 2018 submitted to the SSAC Name Collision Analysis Project Proposal.) Consistent with SAC 90 adopted by the ICANN Board, name collision issues should be resolved prior to any ICANN Board decision to add new TLD names to the global DNS. (See SAC 90 Recommendation 4.)

**String Confusion Objections – Section 2.8.1.e.17**

USPS supports the proposal that a String Confusion Objection could be established where an applied-for string in a highly-regulated sector does not commit to employ the same safeguards as the existing string. The benefit of this proposal would be to protect consumers and promote trust and confidence in the Internet.

**Community Priority Evaluation – Section 2.9.1**

Community Priority Evaluation is appropriate and should be maintained. The definition of “community” applied in the 2012 round is appropriate and should be maintained.

Thank you for the opportunity to comment.

Respectfully submitted,

*/s/ Karen E. Owczarski*

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On behalf of the United States Postal Service

April 18, 2018

**USPS Public Comment on the SSAC Proposal for the Name Collision Analysis Project  
April 18, 2018**

The United States Postal Service (“USPS”) appreciates the opportunity to comment on the Security and Stability Advisory Committee’s Name Collision Analysis Project Proposal (“NCAP”). USPS is an independent establishment of the United States Government and does not receive any taxpayer dollars to conduct its delivery operations.

The Postal Service applauds the ICANN Board for requesting a detailed technical analysis of name collision issues from the Security and Stability Advisory Committee with full participation from the ICANN community. The SSAC has taken a very thorough approach to the structure of the project. Accordingly, USPS will limit its comments to certain procedural matters.

The format for more detailed Statements of Interest for members of the Working Party and the Discussion Group is laudable. USPS urges the SSAC not to make too many revisions to the questions asked as may be urged by some in the ICANN community. In this scenario, the more information available regarding the special interests of participants, the better. Accordingly, as a preface to its comments, the USPS wishes to underline that it filed formal Objections to the applications for .MAIL in the 2012 round.

The Postal Service is concerned that the risks associated with name collisions have not been fully appreciated to date within the ICANN community. It has become apparent that these risks may include the very real possibility that confidential data will be intercepted by a third party with malicious intent and that viruses may be injected by a third party inserting code into the user’s system from a third party server as a result of name collision occurrences.

Historically, USPS must maintain constant vigilance to monitor third parties masquerading as providers of “mail” services. For example, third parties exploit consumers in the online space by purporting to be an “official” Change of Address website and charging consumers up to \$39.95 for a service USPS (the true “official” Change of Address provider) provides for free at the USPS website and for only \$1.05 in its facilities. These sites and others posing as USPS also present consumer privacy and identity theft risks as they collect personally identifying information from consumers under the guise of being the “official” Change of Address provider – i.e., USPS or USPS’s agent, when that is not the case. In some cases, such activity has led to criminal enforcement by state Attorneys General. But the practice continues and has expanded into the area of Hold Mail services, with third parties collecting personal information, charging large sums, and purporting to be the “official Hold Mail” site, when that claim is false. Domains comprised of USPS trademarks such as CERTIFIED MAIL, REGISTERED MAIL, PRIORITY MAIL, and EXPRESS MAIL have been used for phishing activity, attempts to obtain consumer personal information, and malware. The Postal Service is concerned that the increased frequency of name collisions which would occur in connection with the possible delegation of a .MAIL Top Level Domain would dramatically increase these cases of consumer abuse.

Given the high risk of name collisions identified in the proposed .MAIL string from the 2012 round, USPS is grateful for the SSAC's focus on this string in Section 3.3.1 and Section 3.3.2 of the Proposed NCAP. With respect to Section 3.3.3, it is noted that mitigation strategies will likely be dependent to some degree on the exact string involved as well as prevailing conditions in the DNS at the time of delegation (as was seen in the 2012 round.). In this regard, since precise strings are unknown at this time, USPS encourages the SSAC to address the possible need for adjustments to its NCAP advice to the ICANN Board at a point in time occurring after the opening of the next round of gTLD applications.

Finally, USPS further notes that with respect to studies commissioned by the SSAC using ICANN funds, including but not limited to studies dealing with mitigation of name collision risk, such studies should be performed by independent technical experts and not by entities which have a financial interest in new gTLD applications moving forward to delegation.

Thank you for the opportunity to comment. The Postal Service looks forward to monitoring the SSAC's work on the NCAP as the Project progresses.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "D. M. Young", with a stylized flourish at the end.

David M. Young  
Attorney, Intellectual Property Group  
On behalf of the United States Postal Service