

Although, because of time obligations, I have not commented, I have been an observer since the beginning. I would like to pose several questions and considerations. Please accept my apologies if some of my comments have already been discussed since I have been unable to join the telephonic discussions. I have perused the ongoing document you are developing within the limits of my time. These questions and considerations are meant in the spirit of contributing and stimulating discussion, not necessarily advocating a position. Please note that these are my own observations and comments, not necessarily reflective of the company I work for:

1. Some members are advocating to reserve city and territory names as rights or even as owned by the cities or territories. I've always understood city and territory names as tools to be used by the public for geographic purposes. In fact, unless I missed it (I may have), the discussions seem to have only mildly addressed the thousands of business names around the world that are trademarked, that already contain geographic names, cities and territories. You can look at any database of trademarks from any jurisdiction around the world and likely find hundreds of existing trademarks that contain geographic strings. Strings like this are highly important as parts of business names, identifying the locations of service areas for example. These include names like Swiss Air and American Telephone and Telegraph. I use that second example to show how long-standing this tradition is. This fact seems unacknowledged so far in our discussions. I fear that we are ignoring a hundred years + of tradition and precedence. It may be an important exercise to see how many trademarks already exist in various places that contain geo-type strings.

The history of registries suggests that they may either be public or private, so it seems that the principal of neutrality is important when considering the type of entity applying for a string.

2. There is a theme of debate about who gets preference regarding geographic indicators in new strings, government entities or private entities. My experience, at least in the United States is that many government entities do not care about their geographic names (and for that matter, their email addresses). They seem to be perfectly happy using what I would consider seriously outdated URLs and email addresses.

These government entities already have the right to use a .gov (or a .edu) domain name and email address, a right that any private citizen or public company does not have. Yet they prefer not to use them.

The example I have in mind is the several thousand public schools across the United States who prefer to continue using long URLs and email addresses in the .edu or .us space. A very typical teacher or administrative email address looks like this:

MyKidTeachersFirstName.LastName@LaUnifiedSchoolDistrict.k12.ca.us

They don't seem to want to change this. Wouldn't it be better and more convenient for them to use something like:

MyKidsTeachersName@LAUnified.gov (or .edu) anything less than a fourth level domain name? So...

3. Should not ICANN remain completely unbiased as to who gets the ability to apply for specific strings related to names in the DNS?
 - a. Since many government, city, and territorial entities are not engaged nor involved in this process,
 - b. Since both private and public entities can be good or evil, and
 - c. Since ICANN has a charter of a bottom up, community driven, process, not the creation of laws or rights

Why should ICANN, in any way confer a preference to either type of entity? In fact, some in this discussion seem to be suggesting an assumed “ownership” of TLD strings, a right that I think can only be conferred on a hyper local level by the proper legal entities, certainly not ICANN, therefore,

4. Shouldn't we be careful not to try to confer preferences or “rights” at all? In fact, shouldn't we not even try that? It seems that we do not, and probably should not have that power.
5. There has been discussion that any applicant should comply with local laws in areas, cities, or territories where a string name where they would like to do work is relevant. *I would agree with that general principal* since it respects local laws, makes sense, and doesn't try to rule the world.
6. Shouldn't we not assume that every government entity around the world cares about what we are doing here. In fact, I am sure that they don't care – at least as much as we do care. If they did care, they would be involved.

We know that TLDs are important and we should care about and anticipate how geographic names affect cities and territories around the world. We should also care about how a country, city, or territory's rights will affect any applicant in the future. But we should not show a preference in our policy, therefore, four suggestions:

- a. A general preference for non-objection from geo-entities in policy for applicants of potential geographic strings rather than an assumed rights policy
- b. A more conservative approach to our scope in terms of the places we define
- c. Time limited contracts – We should recognize that our contracts are for a specified period, at the end of which, a government entity may have the option of becoming engaged and maybe add something to the contract that specifies this rather than an assumption of renewal for applicants. This would allow for worthwhile private investment (maybe a five or ten-year period) and allow review by any public entity after a period of time, to become involved if they then care to.
- d. There should be no limits on how many applications may be filed on behalf of a single entity (private, corporate, or government). If we do this, here also, we limit the capital involved in the process and we limit the chances for success of applicants and of this program in general.

Finally, thank you to all of you, on all sides, for your discussion and participation. I believe this discussion is an important one and I know the sacrifice you are making in terms of your time. I only wish I was able to contribute near as much time as all of you have. Thank you!