



23 November 2009

Ms. Diane Casey-Landry
Senior Executive Vice President and
Chief Executive Officer
American Bankers Association
1120 Connecticut Avenue, NW
Washington, DC 20036

Re: Public Comment on Expansion of Generic Top Level Domains from the American Bankers Association

Dear Ms. Casey-Landry,

I would like to take this opportunity to thank you and the American Bankers Association (ABA) again for your participation in Public Comments For a for New generic Top-Level Domain names (New gTLDs), including the comments you submitted on December 15, 2008 and those submitted by Wm. Douglas Johnson on April 13, 2009. I also want to thank you and your colleagues for our productive meeting in Washington, DC last month, and your continued involvement in and support of the New gTLD process.

As noted in my email of September 15, 2009, I was concerned to learn that ICANN had not yet provided a response to your letter. While I apologize for the delay in response, the work done in the interim passage of time demonstrates ICANN's integration of concerns raised within your letters, ICANN's continued ongoing work on issues relating to the launch of a New gTLD program, and ICANN's commitment – as you've called for in your letters – to undertake the work necessary to address the overarching issues prior to launching New gTLDs. Most recently, at ICANN's International Public Meeting in Seoul, South Korea, it was confirmed that no date certain could be set for the launch of a process for the introduction of New gTLDs – the program is dependent upon the work of the ICANN community in addressing the outstanding issues.

In addition, the ICANN Board of Directors directed staff to evaluate the formation of an Expressions of Interest process for New gTLDs, a pre-application process through which ICANN hopes to gain a better understanding of the interest in the process and the planning necessary to go to full launch. Since Seoul, work has commenced and ICANN has started to receive public input on the Expressions of Interest process. If the ABA has comments on the Expressions of Interest process, a public comment forum has been established at the following link and is open until December 11, 2009:



(<http://www.icann.org/en/public-comment/public-comment-200912.htm#eoi-new-gTLDs>)

As Mr. Douglas noted, many of the concerns raised in your December 15 letter can be categorized within the four Overarching Issues¹ identified in Version 2 of the draft Applicant Guidebook.

As you may be aware, on October 4, 2009, ICANN posted the draft Applicant Guidebook, Version 3 (DAG3) for public comment.

(<http://www.icann.org/en/topics/new-gtlds/comments-3-en.htm>)

There was significant work done on each of the overarching issues in advance of the publication of DAG3 – and more remains to be done. I'd like to briefly highlight how ICANN has moved forward in addressing the concerns raised by the ABA, and also note where further collaboration is ongoing.

Security and Stability of the DNS

ICANN shares your concern that the security and stability of the DNS environment is a priority concern in the launching of New gTLDs. In September 2009, a root scaling study was published, and ICANN continues to work with its Security and Stability Advisory Committee and the Root Server Stability Advisory Committee on ways to achieve a safe introduction of New gTLDs into the root.

Malicious Conduct

Many of the ABA's concerns centered around the potential for malicious conduct in New gTLDs and a need to provide Internet users with some level of assurance that when they entered financially-related gTLDs, the users can trust that a higher level of security is in place. ICANN appreciates the import of these concerns, and has already begun work towards addressing them. A model for a "High Security Zone Verification Program" was introduced with DAG3. This model will allow for voluntary self-selection by registries to participate in a higher security standard, and will result in increased trust from Internet users. As noted in the explanatory memorandum, (which is available for your review at the following link:

<http://www.icann.org/en/topics/new-gtlds/high-security-zone-verification-04oct09-en.pdf>), ICANN will be forming a working group to establish a proposed implementation plan for this model.

¹ The four Overarching Issues are: (1) Domain Name System security and stability; (2) Malicious conduct; (3) Demand and economic analysis; and, (4) Trademark protection issues. More detail on this can be found on the Overarching Issues Wiki at: https://st.icann.org/new-gtld-overarching-issues/index.cgi?new_gtld_overarching_issues.



The publication of DAG3 also saw the inclusion of additional recommendations regarding mitigating malicious conduct, again taking into account concerns expressed by the ABA. An explanatory memorandum on the additional mitigation measures proposed is available at the following link:

<http://www.icann.org/en/topics/new-gtlds/mitigating-malicious-conduct-04oct09-en.pdf>.

These two innovations in the New gTLD process show ICANN's commitment to working through security concerns identified in both letters from the ABA. The work is continuing, and ICANN welcomes further input of the ABA in the process. If the ABA is interested in participating in any of the working groups to be formed on these issues, additional information is available at the following link:

<http://www.icann.org/en/topics/new-gtlds/high-security-zone-verification-04oct09-en.pdf>.

Brand and Trademark Protection

The ABA, along with many other commenters, raised concerns relating to brand and trademark protection issues in New gTLDs. The Implementation Recommendation Team (IRT), formed by Board resolution in March 2009, concluded its work and presented various proposals on how to address Trademark Protections issues in the new gTLD program. After significant community consultation on the IRT report, two of the proposals arising out of the IRT, including a post-delegation dispute mechanism and the requirement for "thick" WHOIS, are now included in the DAG3.

Two of the other proposals made by the IRT, an "Intellectual Property Rights Clearinghouse" and the "Uniform Rapid Suspension Process," have been sent to the Generic Names Supporting Organization (GNSO) for further review. The Board requested that the GNSO evaluate the proposals and attempt to reach a consensus on proposed solutions for each of these intellectual property protections enhancements. You will find additional information at the following link:

<http://gns0.icann.org/correspondence/beckstrom-to-gns0-council-12oct09-en.pdf>.

While much has been achieved to address the ABA's and others concerns on intellectual property rights and costs to brand holders, ICANN's work is still ongoing. ICANN will continue to take the ABA's concerns into account as it moves forward to reach solutions.

Future Work

Both your letter and Mr. Johnson's letter, as well as the comments of the Federal Deposit Insurance Corporation (FDIC)² contain further concerns and valuable suggestions for the creation of financial gTLDs within the New gTLD program. As I've noted before, I have a special appreciation for the needs of financial institutions. I've worked with many of the top

² December 15 2009 letter from Michael L. Jackson to Peter Dengate Thrush, <http://forum.icann.org/lists/gtld-guide/msg00159.html>.



banks in my career, and I recognize the unique voice that your industry brings to the dialogue on the New gTLD program, and the continued focus on providing customers with secure financial transactions and trust in your member institutions.

ICANN will continue to take the concerns raised by the ABA and other commenters into account as we move forward with the New gTLD program, and I welcome the ABA's continued participation in this process. I look forward to continuing this dialogue, and I welcome your suggestions on how we can facilitate the ABA's involvement in the ongoing work on New gTLDs.

For ongoing updates on the Program and outreach and consultation opportunities, please continue to rely on the New gTLD Program web page, at this link: <http://www.icann.org/en/topics/new-gtld-program.htm> and feel free to contact me personally at any time. Thanks again for your important inputs into this process.

Yours sincerely,

A handwritten signature in black ink, which appears to read "Rod Beckstrom". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Rod Beckstrom
President and Chief Executive Officer
ICANN – Internet Corporation for Assigned Names and Numbers