By email
To: Thomas Schneider
Chair, ICANN Governmental Advisory Committee

Cc: GAC Leadership (gac-leadership@icann.org)
Martin Sutton, Executive Director, Brand Registry Group

24 July 2017

Re: ICANN59 GAC Meeting with the Brand Registry Group

Dear Mr Schneider,

On behalf of the Brand Registry Group, I would like to thank you and your GAC colleagues for the opportunity to meet with us during the ICANN 59 meeting in Johannesburg.

I hope the session was helpful, if only to gain a better understanding of who dotBrand registries are and explore the different use cases. The pioneers are an inspiration to delegated dotBrands and to those that wish to apply in the future.

At the end of our presentation, you posed an interesting question about the challenges for different brand-owners who use the same term across trademark categories, where more than one brand-owner may wish to utilize and apply for the same top-level domain. The Brand Registry Group has not had to address this issue in the past therefore we do not have a definitive response. However, as ICANN advances towards future applications, we understand that the treatment of multiple applicants representing the same brand term warrants further consideration, especially if barriers to entry are high for some eligible dotBrand applicants. Some of these aspects include, but are not limited to:

• Applicant Guidebook; are existing mechanisms for resolving contention sets effective and appropriate? For instance, should private negotiations or auctions be the main way to resolve contention sets for dotBrand applicants or should other factors be considered, such as: awareness of the brand, longevity of the brand, scale of customer base and whether the service relates to highly-regulated sectors?

• Sharing a TLD; is it possible for brands to co-exist within a dotBrand TLD? Yes, in some cases this may be a viable option and is one that has already been evidenced in the 2012 round between SAS Institute and SAS Airlines. However, a shared TLD may not suit all dotBrand contention parties where the added complexities and/or limitations of use minimize the benefits of their original application.

• Challenges for developing regions. ICANN's Applicant Support Program (ASP) offers opportunities for applicants seeking financial or non-financial support; this does not exclude brands, offering the potential for brands in low economic areas to apply. However, if an ASP-applicant ends up in a contention set that is resolved by auction, it is likely to be in a weak position to compete.

In anticipation that these circumstances could arise in future, the BRG will be pleased to discuss this further with the GAC, along with other questions that we did not have time to cover during the ICANN meeting. In that respect, could we schedule some time to continue these discussions during the ICANN 60 meeting in Abu Dhabi?

In the meantime, my colleagues and I received some individual follow-up questions from GAC members relating to how dotBrand registry models operate and about the BRG organization. I have attached a short BRG Q&A which may be helpful to share amongst your GAC colleagues.

I look forward to hearing from you and continuing our productive engagement and dialogue.

Yours sincerely,

/s/

Cecilia Smith
President, Brand Registry Group