Subject: Business Constituency (BC) comment on amendments to .BROTHER, .GEA, .ACO, .SECURITY, .PROTECTION, .THEATRE and .RENT registry agreements

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From: Steve DelBianco

To: comments-ctn-release-tlds-01sep15@icann.org

The Business Constituency ("BC") appreciates the opportunity to provide comments regarding the proposed amendments to the .BROTHER, .GEA, .ACO, .SECURITY, .PROTECTION, .THEATRE and .RENT registry agreements submitted through the Registry Services Evaluation Policy ("RSEP") on 09-June-2015, 02-July-2015, 02-July-2015, 30-July-2015, 30-July-2015, 30-July-2015, 30-July-2015, respectively, and posted for public comment on 01-September-2015 at https://www.icann.org/public-comments/ctn-release-tlds-2015-09-01-en

The .BROTHER, .GEA, and .ACO Requests

In their respective RSEP requests, Registry Operators Brother Industries, Ltd., GEA Group Aktiengesellschaft, and ACO Severin Ahlmann GmbH & Co. KG seek the release of all country and territory names, as defined in Section 4 of Specification 5 of the Registry Agreement, at all levels of the .BROTHER, .GEA, and .ACO TLDs. The BC fully supports these requests submitted by .BRAND registries.

The BC has consistently supported the release of country and territory names at all levels in .BRAND TLDs; this comment aligns with those prior comments. *See* Business Constituency, Comment on Neustar's Proposal for Country and Territory Names (Nov. 8, 2014); Business Constituency, Comment on the Release of Country and Territory Names in the .BMW and .MINI TLDs (Jan. 24, 2015); Business Constituency, Comment on Release of Country and Territory Names for the .EMERCK, .BERLIN, and .HAMBURG TLDs (April 1, 2015); Business Constituency, Comment on Release of Country and Territory Names for the .HONDA, .AXA, .EPSON, .HSBC, .XYZ and .COLLEGE TLDs (April 28, 2015); Business Constituency, Comment on Release of Country and Territory Names for the .SONY, .ARCHI, .BIO and .SAARLAND TLDs (June 14, 2015); Business Constituency, Comment on Release of Country and Territory Names for the .KOMATSU and .RICOH TLDs (June 14, 2015); Business Constituency, Comment on Release of Country and Territory Names for the .GLOBAL, .BNPPARIBAS, .BRIDGESTONE and .FIRESTONE TLDs (August 2, 2015).

As set forth in our previous comments supporting similar RSEP requests, the BC believes that the use of country and territory names will allow .BRAND registries to create customized and relevant localized content for consumers in various countries and regions across the world, especially in developing nations with predominantly non-English-speaking populations. This geographic segmentation will not only bring greater efficacy to .BRAND TLDs, but it will benefit businesses and consumers alike by fueling economic development in regions which currently have limited choice with respect to linguistically and culturally tailored domain names and content.

In addition, we firmly believe that the release of country and territory names for .BRAND TLDs will enhance security and trust in online commerce by permitting businesses to exercise more control over the security and stability of their customized web sites.

Finally, the BC considers that use of country and territory names within a .BRAND registry will always avoid confusion with an official government web property. Indeed, the very basis of the .BRAND TLD model is for the brand to serve a unique source identifying function at the top-level, and for geographic names to serve a purely descriptive function at the second level. Thus, especially given the

context of the underlying commercial sites, consumers directed to country.brand domain names will always be aware that they are engaging with a geographically-targeted version of a company's official web site as opposed to a government property. The BC also notes the historical availability of country and territory names at all levels in all legacy TLDs. .BRAND TLDs should be afforded the same opportunity to allocate such names, given that the risk of abuse or confusion by the use of such names in a .BRAND registry is low.

 The .SECURITY, .PROTECTION, .THEATRE and .RENT Requests

In its RSEP request, Registry Operator XYZ.COM LLC seeks the release of all country and territory names, as defined in Section 4 of Specification 5 of the Registry Agreement, at all levels of the .SECURITY, .PROTECTION, .THEATRE and .RENT TLDs.

The .SECURITY, .PROTECTION, .THEATRE and .RENT requests are distinct from the RSEP requests discussed above because they relate to open TLDs, as opposed to .BRAND TLDs or geographic TLDs. In our view, the historical availability of country and territory names at all levels in all legacy TLDs still militates in favor of a presumptive approval of the request for the release of country and territory names.

However, in recognition of the fact that the geographic segmentation and non-confusion arguments set forth in the previous sections are less persuasive for open TLDs than for .BRANDs or geographic TLDs, we believe that the presumption of approval may be overcome by a particular government's objection to the release of its country or territory name. In contrast, for .BRAND and .GEO TLDs, the BC strongly believes that the presumption of approval should only be able to be rebutted upon a showing of a *justified and well-supported* objection that convincingly demonstrates *probable harm and/or confusion* due to the use of its country or territory name at the second level. Thus, given the above rationale, to the BC the central question is one of degree, whereby restricted-access TLDs, such as .BRANDS and geographic TLDs, should enjoy the strongest presumption of approval (rebutted only upon justified and well-supported governmental objections), whereas purely open TLDs should enjoy a lesser presumption of approval (rebutted upon any governmental objection).

In the future, in order to make the requested delineation more clear, the BC would support bifurcating similar public comment periods on country and territory names into buckets corresponding to restricted access TLDs, such as .Brands or geographic TLDs, versus purely open TLDs.

These comments were drafted by Andy Abrams and approved in accordance with our charter.