



International Trademark Association
Representing Trademark Owners Since 1878

Alan C. Drewsen
Executive Director

July 24, 2009

Mr. Lawrence E. Strickling
Assistant Secretary for Communications and Information
Department of Commerce
1401 Constitution Ave., NW
Washington, DC 20230

Dear Mr. Strickling:

I am the Executive Director of the International Trademark Association (INTA), a 131-year-old not-for-profit membership association of more than 5,500 trademark owners and professional firms from more than 190 countries, including more than 2,000 established in the United States. INTA is dedicated to the support and advancement of trademarks and related intellectual property as elements of fair and effective national and international commerce.

On behalf of the entire membership of the INTA, I wish to congratulate you on becoming the Assistant Secretary for Communications and Information at the U.S. Department of Commerce. We wish you success as you lead the National Telecommunications and Information Administration's (NTIA) efforts in developing and managing telecommunication and information policies and infrastructure that will benefit the public.

Among the many telecommunications policies that affect trademark owners, INTA is particularly interested at this time in NTIA's oversight of the management of the Internet's domain name system (DNS) by the Internet Corporation for Assigned Names and Numbers (ICANN). For over a decade, INTA supported the U.S. Department of Commerce's initiative of transitioning certain key management functions of the DNS to the private-sector. INTA has been a leading voice for trademark owners in the development of DNS policies and in the management of its processes by actively participating and leading initiatives directly with ICANN and through the Intellectual Property Constituency.

On numerous occasions INTA provided extensive input to NTIA to assist the agency in its oversight of ICANN, and to ensure public accountability over ICANN's management of this extremely valuable public resource. The periodic reviews by NTIA identified many unresolved issues and significant deficiencies in ICANN's management of the DNS. While limited progress has been made on some issues, as acknowledged by NTIA during its recent mid-term review of ICANN's performance under the Joint Project Agreement (JPA), important work remains for ICANN to develop the public's confidence in its management capabilities and judgment. For example, ICANN has yet to develop a balanced organizational and governance structure that

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provides for the adequate representation of the independent business community in its affairs and decision-making. It is not clear how ICANN can function as a private sector-led coordinating body of the Internet's unique identifiers, unless the private sector, i.e., those businesses that have fostered the growth of the Internet and who have introduced innovative products and services, have adequate representation within ICANN's structure.

Another area to be addressed is ICANN's extensive difficulties in maintaining a system that ensures that the Whois database remains accurate and current. Widespread inaccuracies in the database of contact information for registered domain name holders have long frustrated those relying on the information to prevent and address criminal acts and consumer fraud in the Internet marketplace. Moreover, ICANN's contractual compliance program has yet to instill confidence in its stakeholders that its policies regarding this information will be adhered to or enforced.

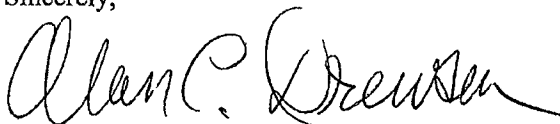
To be sure, the most serious concern of trademark owners is ICANN's failure to develop an acceptable methodology for introducing new generic Top-Level Domain Names (gTLDs) to the Internet and, despite the lack of that methodology, its intention to introduce an unlimited number of new gTLDs to the Internet root server beginning in 2010. Trademark owners around the world, who are currently suffering from extensive domain name related trademark infringement in the current gTLD and ccTLD domain name space, will face the nearly impossible task of protecting their trademarks across an unlimited number of new gTLDs. And as a result, the harm to consumers that flows from abuses in the domain name system will increase exponentially as well.

In support of this view of the harm that will be caused by ICANN's new gTLD initiative as presently structured and on the timetable in place, the Board of Directors of INTA passed a resolution, a copy of which is enclosed, opposing the introduction of an unlimited number of new gTLDs and the introduction of any new gTLDs until the overarching issues with ICANN's program have been resolved.

Given these issues and ICANN's lack of accountability to the public, INTA believes that the NTIA should take the necessary steps to ensure that the JPA with ICANN is extended beyond the September 30, 2009, expiration date in order to allow ample time for a new accountability mechanism to be explored and implemented and for any increase in new gTLDs to be undertaken in a measured and responsible manner.

INTA looks forward to working with you and your staff on these important issues affecting business and consumers in the United States and throughout the world.

Sincerely,

A handwritten signature in black ink, appearing to read "Alan C. Dreiser". The signature is fluid and cursive, with a large initial "A" and "D".

Enclosure



UNITED STATES DEPARTMENT OF COMMERCE
The Assistant Secretary for Communications
and Information
Washington, D.C. 20230

AUG 18 2009

Mr. Alan C. Drewsen
Executive Director
International Trademark Association
655 Third Avenue, 10th Floor
New York, NY 10014-5617

Dear Mr. Drewsen:

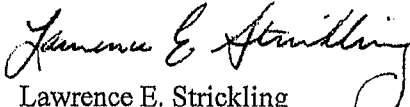
Thank you for the kind words regarding my confirmation and for detailing the views of the International Trademark Association (INTA) members regarding issues associated with the Internet Corporation for Assigned Names and Numbers (ICANN).

On April 24, 2009, the National Telecommunications and Information Administration (NTIA) released a Notice of Inquiry (NOI) seeking comments regarding ICANN's performance under the Joint Project Agreement (JPA), as well as the model of private sector leadership and bottom-up policy development that ICANN represents. The record closed on June 8, 2009 with 86 comments. A review of the record reveals almost universal support for the existing model, but also reflects concerns regarding ICANN's execution of tasks, in particular as it relates to accountability and transparency in its decision-making. The views of INTA have informed the ongoing discussions between NTIA and ICANN about the best way to move forward, as the JPA expiration date approaches.

With regard to the introduction of new gTLDs, we continue to believe that a threshold question - whether the potential consumer benefits outweigh the potential costs as a result of this exercise - has yet to be adequately addressed. NTIA continues to urge ICANN to undertake a comprehensive economic study of the TLD market, among other things, prior to moving forward with the introduction of new gTLDs. We therefore share INTA's perspective that the overarching issues with ICANN's proposed new gTLD program should be resolved before new gTLDs are introduced.

I appreciate INTA's offer to work with NTIA on these important issues, and urge you to continue to keep us apprised of INTA's views and concerns.

Sincerely,


Lawrence E. Strickling