



International Trademark Association

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June 17, 2008

Peter Dengate Thrush, Chairman
Paul Twomey, President and CEO
Internet Corporation for Assigned Names and Numbers
4676 Admiralty Way, Suite 330
Marina Del Ray, California 90292

Re: GNSO Restructuring

Mr. Chairman and members of the ICANN Board,

The International Trademark Association (INTA) is writing to express its concerns about the GNSO restructuring proposal as presented in the "Report of the Board Governance Committee GNSO Review Working Group on GNSO Improvements".

INTA is the largest not-for-profit membership organization in the world dedicated to the advancement of trademarks and related intellectual property as elements of fair trade and international commerce. INTA's membership includes over 5500 trademark owners from over 190 countries, spanning across all service and industry lines.

INTA has supported the development of ICANN as the private-sector coordinator of the naming and addressing functions of the Internet since the organization was formed nearly a decade ago.

As an active and founding member of the Intellectual Property Constituency (IPC), INTA has played a key role in the development of consensus policies that have increased institutional confidence in ICANN and its management of the domain name and addressing system.

As described by its former Chairman Vint Cerf, ICANN is an experiment in balancing multiple stakeholder interests in policy regarding the operation and use of the domain name system.

INTA believes that the success of this "experiment" hinges on ICANN's ability to develop an organizational structure that permits adequate stakeholder representation and incentivizes meaningful stakeholder participation in its affairs.

As the steward of the Internet addressing and naming system, ICANN governance has an immense impact on businesses and consumers in every part of the world.

GNSO Restructuring

INTA commends the Board Governance Committee (BGC) for its efforts in overseeing the review of the Generic Names Supporting Organization (GNSO), and is confident that many valuable insights were gained that will help transform the GNSO into a more effective Supporting Organization.

The BGC in its "Improvements Report" recognizes the GNSO Council as the proper manager of the policy development process, recommends a working group model for policy development with a de-emphasis on formalized voting, and proposes to comprehensively restructure the GNSO and its Constituencies.

The dramatic restructuring of the GNSO is accomplished by merging three of the four non-contracting party Constituencies into one 'commercial registrants' group, while leaving the two contracting-party Constituencies unchanged. The proposal reduces the representative voice of the three merged Constituencies on the GNSO Council from 33% to 21%.

Under the proposed BGC restructuring, the three merged Constituencies have less representation in the GNSO. For example, their ability to influence policy development management issues or to select volunteers to serve on the Board of Directors is greatly diminished.

INTA views this reduction as a significant and detrimental change to the already skewed balance of stakeholder representation in ICANN, and opposes the adoption of both the majority and minority recommendations as they are expressed in the "GNSO Improvements Report."

Private Sector Leadership

The international business community has played a historic role in the formation of policies that have increased institutional confidence in ICANN. These efforts include the formation of the UDRP, and more recently, the development of policies that address domain name tasting and other schemes that have a destabilizing effect on the domain name system for hundreds of millions of Internet users.

INTA agrees with the assessment of the United States Department of Commerce, that in its obligations under the Joint Project Agreement (JPA), important work remains for ICANN to "...increase institutional confidence through implementing effective processes that will enable...continued private sector leadership and stakeholder participation".

INTA believes that ICANN should strive to increase the representation of non-contracted stakeholders in order to minimize the growing risk of capture by its contractually-related parties, the gTLD registries and registrars.

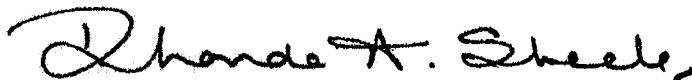
The implementation of structural changes in the GNSO which further reduce the representation of business interests will hinder ICANN's ability to realize its obligations under the JPA, and may delay ICANN's eventual transition to the private sector. This development would also run contrary to ICANN's core value of "supporting broad participation at all levels of policy development." (See, ICANN Bylaws, Article 1, Section 2).

In response to these aforementioned concerns, the four non-contracting party Constituencies collaborated with the At-Large Advisory Committee to submit an alternative restructuring model for the GNSO. This new model envisions an equalized structure where three interest groups are balanced in relation to one another.

INTA expresses its full support for this alternative restructuring proposal and encourages the Board to consider it along with other alternatives, as viable ways to improve inclusiveness and stakeholder representation in the GNSO.

Thank you for the opportunity to provide our views on this important issue. If you or any member of the Board has any questions regarding our position on GNSO restructuring, please contact INTA External Relations Manager, Claudio DiGangi at cdigangi@inta.org

Sincerely,

A handwritten signature in black ink that reads "Rhonda A. Steele," with a comma at the end. The signature is written in a cursive, slightly slanted style.

Rhonda A. Steele

President