

March 16, 2011

RE: March 4, 2011 new gTLD Scorecard

Dear Mr. Peter Dengate-Thrush and members of the ICANN Board and Government Advisory Committee:

I am writing on behalf of the proposed Not-for-Profit Operational Concerns Constituency (NPOC). NPOC currently has 18 members across all 5 ICANN geographic regions. We are growing weekly and looking forward to more formally participate in the ICANN process.

NPOC members recognize the opportunities that will be afforded with the launch of the new gTLD program. We also recognize the amount of work completed by the Board, the GAC and the ICANN community to make the launch of the new gTLD program as beneficial as possible for all.

The not-for-profit community uses the internet and the domain naming space as a cheap and hugely effective mechanism to effectuate our collective missions: help. Please provide us the necessary safeguards to protect the end user and allow not-for-profit organizations economically continue our good works.

Thank you for the opportunity to comment on the March 4, 2011 Scorecard - the scores listed below are as listed in that document. Our comments are as follows:

- Section 6.4.4 (Scored 2) regarding the vetting of certain strings. The scorecard specifically mentions such strings as .BANK, .DENTIST and .LAW. The concern identified by the Board is that the need for a priori categorizations be made. Within the not-for-profit organization community our concerns lies with strings such as .DONATE, .GIVE, .CHARITY, etc. Strings such as these offer a tremendous opportunity for good as well as a tremendous opportunity for harm. We ask that such strings be carefully considered during the application review process.
- Section 4.1 (Scored 2) regarding amending the guidebook to incorporate criteria for weighing the costs and benefits to the public in the evaluation and award of new gTLDs. NPOC members ask that applications for new gTLDs such as .DONATE be evaluated on set criteria to determine whether or not the award of the new gTLD to the applicant is in the public's benefit.
- Section 4.2 (Scored 1B) requires applicants provide information on the expected benefits and operating terms. NPOC believes these requirements are central to the successful evaluation of a new gTLD applicant. We do not believe this addition to the guidebook would pose an undue burden as the successful administration of a new gTLD will require this information.
- Section 6.1.1 and 6.1.4 (Scored 1B) permitting the Trademark Clearinghouse to recognize all national and supranational marks registered. NPOC agrees with this decision and thanks the GAC and Board finding the compromise of making use of the Trademark Clearinghouse during sunrise periods subject to proof of use. We do ask that the proof of use only be required to be submitted once and not submitted prior to the participation of each sunrise period.
- Section 6.1.2, 6.1.3 and 6.1.7.1 (Scored 2) requiring both the sunrise period and IP claims be mandatory for registry operators and extend beyond the exact match of the registered trademark. NPOC supports this requirement of both. During the sunrise period not-for-profit organizations will be unable, with regards to budget constraint and constraint of the imagination, to register

domains incorporating all possible permutations of our marks and the services and communities we provide.

- Section 6.1.7.2 (Scored 1B) regarding that the cost of the Trademark Clearinghouse be supported by the rights owner, registries and registrars. NPOC supports such a decision as placing the entire financial burden on the rights owner may be cost prohibitive to not-for-profit organizations as we operate on small budgets preferring to direct funds to works that directly support our mission.
- Section 6.2.8 (Scored 2) providing for a loser pays model with the Uniform Rapid Suspension (URS) process. NPOC members support a loser pays model. Not-for-profit organizations rarely have the budget and time to file a URS for matters less than obvious and blatant cases of abuse, which was the original intention of the URS process.
- Section 6.2.13 (Scored 2) allowing URS extend beyond exact matches. NPOC strongly supports this position, example [Charity Name][city].DONATE.

Again, the NPOC thanks you for the opportunity to comment.

Sincerely,

Amber Sterling
NPOC Chair