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United States Senate

COMMITTEE ON COMMERCE, SCIENCE,
AND TRANSPORTATION

WASHINGTON, DC 20510-6125

WEB SITE: <http://commerce.senate.gov>

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March 12, 2014

Dr. Stephen D. Crocker
Chairman of the Board of Directors
Internet Corporation for Assigned Names and Numbers (ICANN)
12025 Waterfront Drive, Suite 300
Los Angeles, CA 90094-2536

Dear Dr. Crocker,

I am writing to express my concern about the pending application for the generic top level domain (gTLD) “sucks”. I believe any potential this gTLD might have to increase choice or competition in the domain name space is overwhelmed by the ways it will be used to unfairly defame individuals, non-profit organizations, and businesses. It is clear that the companies competing to operate this gTLD view it primarily as an opportunity to generate income through “defensive registrations.” In my opinion, it is not in the public interest to approve this gTLD.

I appreciate that expanding the number of gTLDs is a complicated process. It has required years of debate and discussion among the many groups involved in ICANN’s multi-stakeholder governance process. The Senate Commerce Committee, of which I am chairman, participated in this debate by holding a hearing on gTLD expansion in December 2011.¹ At this hearing, my Committee heard testimony describing how new gTLDs could create exciting new commercial and community-building possibilities. But we also heard from businesses and non-profit groups who expressed legitimate fears that gTLD expansion could harm the value of their brands and force them to engage in expensive defensive registrations at both the gTLD and the second levels.

ICANN has meaningfully responded to the worries that some stakeholders expressed at my Committee’s 2011 hearing and directly to ICANN during the gTLD expansion debate. ICANN amended the gTLD Applicant Guidebook several times in response to these concerns. It has also solicited public interest commitments from applicants, and has written enforceable safeguards into Registry Agreements. These are all positive steps.

Approving “sucks”, a gTLD with little or no public interest value, will have the effect of undermining the credibility ICANN has slowly been building with skeptical

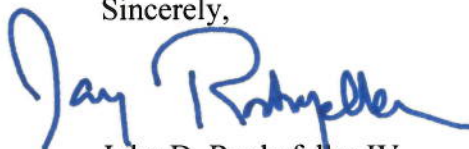
¹ U.S. Senate Committee on Commerce, Science, and Transportation, *Hearing on ICANN’s Expansion of Top Level Domains*, 112th Congress (Dec. 8, 2011) (S. Hrg. 112-394).

stakeholders. Three companies – Donuts Inc., Momentous Corporation, and Top Level Spectrum Inc. – have applied for this gTLD, claiming that it will foster debate and benefit consumers. I view it as little more than a predatory shakedown scheme. The business model behind this gTLD seems to be the following: force large corporations, small businesses, non-profits, and even individuals, to pay ongoing fees to prevent seeing the phrase “sucks” appended to their names on the Internet. As a number of commenters asked during the public review period of these applications, will your organization allow a third party to purchase and operate “ICANN.sucks”?

One applicant, for example, Vox Populi Registry, owned by the Canadian company Momentous, has started soliciting defensive registrations before it has even secured the right to operate the “sucks” gTLD. According to its website, the company is accepting payments of \$2,500 for trademark reservation, which will rise to \$25,000 during a 30-day sunrise period and remain at that level annually for trademark owner. Vox Populi claims that the reduced \$2,500 fee is a bargain, saying that “Incurring registration fees of \$25,000 in Sunrise is a waiting game not worth the prize.”²

As a committed supporter of the multi-stakeholder model of global Internet governance, I feel a responsibility to speak up when I see ICANN considering steps that could damage its reputation. A gTLD like “sucks” has little or no socially redeeming value and it reinforces many people’s fears that the purpose of gTLD expansion is to enrich the domain name industry rather than benefit the broader community of Internet users. I respectfully request that you consider my comments as you review this application.

Sincerely,

A handwritten signature in blue ink that reads "John D. Rockefeller IV". The signature is fluid and cursive, with the first name "John" being particularly prominent.

John D. Rockefeller IV
Chairman

Cc: John Thune
Ranking Member

² Vox Populi Registry, *.SUCKS – Now Available for Priority Reservations* (accessed Mar. 3, 2014) (online at <https://www.voxpopregistry.com/en/>).