



July 18, 2012

Mr. Lawrence Strickling
Assistant Secretary for Communications and Information
U.S. Department of Commerce
Washington, DC 20230

Re: State-level concerns regarding new gTLD applications

Dear Assistant Secretary Strickling:

As the U.S. Government Representative to the Government Advisory Committee (GAC) of the Internet Corporation for Assigned Names and Numbers (ICANN), we appreciate the opportunity to utilize the "Early Warning" period to restate and clarify the position of our state government members regarding some new gTLD applications.

The National Association of Secretaries of State (NASS) is a nonpartisan, professional organization whose members include the Secretaries of State and Lieutenant Governors of the 50 states and the U.S. territories. The majority of our members are responsible for the administrative oversight of various business entity registration processes in their respective states.

When our members learned that ICANN was considering applications for new business-related gTLD extensions including .INC, .LLC, .CORP, and .LLP, we issued a March 2012 letter that expressed our strong concerns about their potential use. They are all recognized under state law as a means of identifying various types of business entities in the United States. Our members remain committed to the belief that steps must be taken to ensure that the website domain name for a business entity has been confirmed when compared to its legal registration with the state.

It is our recommendation that if ICANN does allow for the use of such business-related extensions, then extremely strict restrictions must be put in place to protect legitimate businesses and consumers from fraud and confusion. Any new business-related extension identifiers (.INC, .LLC, .CORP, .LLP) and the renewal thereof should only be extended to entities that are also legally and appropriately registered with the Secretary of State or the equivalent government agency in the United States or the government authorized company registrar for non-U.S. entities.

Furthermore, as this process continues to move forward, our members wish to make themselves available for consultation with the applicants so they may provide important state policy information regarding the registration and identification of businesses in the United States.

After conducting a review of the 30 applications for .INC, .LLC, .CORP and .LLP, we were pleased to find that many applicants did appear to include the types of restrictions that were broadly addressed in our March 2012 letter. Many applications also referenced working with the Secretary of State, or a relevant government agency, to verify entity information. It is important to note that if any such gTLD

applications are ultimately approved, it will be prudent for ICANN to ensure the existence of a means by which these restrictions will be maintained throughout the existence of the gTLD. Enforcement is an essential element in this scenario.

Unfortunately, our review discovered at least seven (7) applications that did not include restrictions or restrictions as identified by the Secretaries and thus, we have concerns that their registration policies will not mitigate against possible abuse.

In closing, we appreciate the opportunity to share our feedback and concerns regarding this issue. As a national organization representing state government officials, we want to emphasize our strong recommendation that only those companies with extremely strict registration requirements be authorized to issue these new gTLDs.

Please feel free to contact us if you have any further questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Ross Miller".

Ross Miller
Nevada Secretary of State
President, National Association of Secretaries of State

cc: Fiona Alexander, Associate Administrator for International Affairs, National Telecommunications and Information Administration, US Department of Commerce