



we wear[®] intellectual property

August 12, 2012

Akram Atallah
Interim CEO
ICANN
1101 New York Ave, NW, Suite 930
Washington, DC 20005

Comments to Internet Corporation for the Assigned Names and Numbers (ICANN) on Proposed Top Level Domain Names

Dear Mr. Atallah:

On behalf of the American Apparel & Footwear Association (AAFA) and its members, we submit these comments to express our deep concern over the application of “.clothing” as a top level domain name (gTLDs). We further encourage ICANN and the Government Advisory Committee (GAC) to deny this application to avoid industry, company, and consumer confusion worldwide until trademark owners are assured that brandnames will be protected on the second level. We thank you for your time and attention to these concerns.

As you may know, AAFA represents more than 300 apparel and footwear companies comprising of more than 850 of the world’s most well-known brands. Our members account for more than \$360 million at retail each year in the United States alone. Over the last two decades, the Internet has become a critical tool to effectively and efficiently reach new customers to deliver products worldwide.

The advantages of the Internet also bring significant challenges. Any new online tool can just as easily be used as a weapon. Counterfeiters and Internet pirates continue to utilize the open and free nature of the Internet to deceive, steal, and sell illicit products to unknowing people. They can manipulate Web sites to mirror our member’s legitimate Internet space, steal personal information, and sell unsafe and potentially hazardous products, while simultaneously “trademark squatting” on famous brandnames that they are able to take without permission and use freely online.

It is with this in mind that we offer the following perspectives.

On June 12, 2012, ICANN released the list of almost two thousand proposed gTLDs. The list included the following strings, which AAFA and its member companies have some important concerns:

- .clothing
- .design
- .fashion
- .shoes
- .shop

Our research has shown that the applicants for these strings have little if any connection to the apparel and footwear industry. We note further that at least one of the applicants, responsible for four of the above gTLD applications, has applied for multiple domain names, without regard to the industry. As mentioned previously, our members already face significant enforcement challenges with counterfeiters and pirates given the virtually infinite

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list of names, numbers, and languages they can incorporate in a Web address. If these applicants are only concerned with selling Internet space and not protecting intellectual property, this expansion will severely hinder the already daunting enforcement challenges currently facing the industry under the current gTLD space. We believe it is highly irresponsible to give gTLD rights to any entity that has no connection to the industry in the first place. Moreover, we believe that any successful application for such generic names require a demonstrated record of respect for intellectual property rights concerns and stewardship.

We believe that such rapid expansion will simply cause extreme confusion in the online marketplace. Already consumers cannot distinguish between legitimate Web sites and counterfeiters. Consumers may be tricked into believing they are purchasing a real apparel and footwear good simply because a site ends in .clothing, .shoes, or .boots. In an already complicated intellectual property enforcement regime, this expansion of these strings would make these enforcement efforts even more suitable to the counterfeiter.

Finally, we must take this opportunity to note that giving counterfeiters more space to sell illicit goods also increase the possibility consumers worldwide may be unknowingly exposed to hazardous products. AAFA members have reported testing counterfeit items bought on the Internet and found several chemicals – such as lead, phthalates, and chromium VI – otherwise illegal by U.S. and international standards. Consumers are also at great risk of having their personal information stolen when they inadvertently go to a counterfeit site.

AAFA and its members highly encourage ICANN and the GAC to look into these concerns and recognize the serious problem facing this and other industries in protecting intellectual property on the Internet. It is important for our economy, our personal security, and our overall livelihoods and safety to ensure that this expansion does not interfere with efforts to stop infringement and protect consumers from illicit goods.

We thank you for this opportunity to submit comments.

Sincerely,

A handwritten signature in cursive script that reads "Kevin M. Burke".

Kevin M. Burke
President and CEO
American Apparel & Footwear Association