



November 16, 2012

Mr. Fadi Chehade
CEO and President
Internet Corporation for Assigned Names and Numbers
4676 Admiralty Way, Suite 330
Marina del Ray, CA 90292-6601

Dear Mr. Chehade:

As life science-related associations representing thousands of biotechnology companies and research institutions worldwide, we are writing to bring to your personal attention our strong opposition to the application for the generic top-level domain (gTLD) name extension ".bio", which the applicant intends to primarily market to the organic food and farming community. If ICANN were to approve this application, your organization would be creating confusion in the global internet market among the biotechnology and larger life sciences community, and in the case of many of the undersigned, would be creating conflicts with or undermining existing trademarks, brand recognition, and customer goodwill, including the investments made therein. As such, this letter provides ICANN with formal notice that it should not approve Starting Dot's application for the gTLD ".bio".

Granting such an application, especially for primary use in the organic marketplace, would clearly undermine the interests of the broader life sciences and biotechnology community and the strong and valuable recognition of the term "bio" in the global biotechnology community. As you may know, the policy, regulatory, commercial and informational interests of the organic community and the broader life sciences and biotechnology community often diverge and are at times incompatible. We thus find it extremely troublesome that ICANN is considering an application for the gTLD of ".bio" by an organization with a primary focus on the organic industry. We note in this regard that another applicant has applied for the ".organic" gTLD, which would appear to be more appropriately tailored to avoid such confusion with biotechnology and other "bio"-related interests.

Many of the undersigned and various other stakeholders in the life sciences community have taken the initial step of submitting public comments via ICANN's interactive forum in order to oppose Starting Dot's application for the ".bio" gTLD. It should be noted that representatives of the organic industry, such as the International Federation of Organic Agriculture Movements (IFOAM), have submitted comments in opposition to granting this application, on the same grounds of likely marketplace confusion with biotechnology interests. Importantly, they represent companies who are Starting Dot's primary target market for the ".bio" gTLD. Even though Starting Dot suggests the gTLD would be open to any entity within the larger "bio" community, it is now clear that entities across the spectrum of "bio" – from biotechnology to organic – do not believe that a gTLD of ".bio" could appropriately represent their interests, and in fact are concerned that their interests could be harmed by the granting of such a gTLD.

Furthermore, granting the gTLD of ".bio" invites conflict with statutory and common law trademark rights held by the Biotechnology Industry Organization (BIO) in the term "BIO" in multiple jurisdictions. In particular, BIO owns "BIO" as a trademark for association and advocacy services and publications in the United States and European Community, and others among the undersigned have protected interests that utilize aspects of the term "BIO" as well.

For all these reasons, we respectfully urge ICANN to reject this application. We stand ready to take all appropriate actions to ensure that ICANN's resolution of this matter does not harm the interests of the global biotechnology community or undermine our intellectual property rights.

This letter is being sent without waiver or prejudice to any rights, remedies, or causes of action that any signatory of this letter, its members, or any of its affiliates may have against ICANN in connection with the issuance of gTLDs, and in particular the ".bio" gTLD, or any other action or activities undertaken by ICANN.

Respectfully Yours,

U.S. Based Organizations:

The Biotechnology Industry Organization (BIO)
Arizona BioIndustry Association (AZBio)
BioNJ
BioOhio
Colorado BioScience Association
Delaware Bio
Georgia Bio
Illinois Biotechnology Industry Organization
(iBIO®)
MichBio
Missouri Biotechnology Association
Pennsylvania Bio
Virginia Bio

International Organizations:

CropLife International
EuropaBio, the European Association for Bioindustries
Agro BIO Mexico
Assobiotec (The Italian Association for the development
of biotechnology)
Association of Biotechnology Led Enterprises-India
(ABLE)
AusBiotech (Australia's Biotechnology Organisation)
BIOTECCanada
DIB, the German Association of Biotechnology
Industries
Foro Argentino de Biotenologia
Irish BioIndustry Association
Japan Bioindustry Association
NZBIO (New Zealand BIO)
P-BIO – Portugal's biotechnology Industry Organization
PeruBiotec
Swiss Biotech Association
UK BioIndustry Association

cc: Mr. Bruce Tonkin
Vice-Chair, ICANN Board; Chair, ICANN Board Governance Committee
4676 Admiralty Way, Suite 330
Marina del Rey, CA 90292