

Mr. Fadi Chehadé
CEO and President of ICANN
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Los Angeles, CA 90094-2536

Berlin, 13. September 2013

Applications for a new generic Top-Level Domain „.gmbh“

Dear Mr. Chehadé,

as we know, a number of companies have applied for a new generic top-level domain ".gmbh". The applicants are based in a number of different countries. We would like to inform you that the term "GmbH" (Gesellschaft mit beschränkter Haftung) is that of a corporate legal structure in Germany, Austria and Switzerland.

In Germany, only companies registered as a "Gesellschaft mit beschränkter Haftung" have the right to use the respective abbreviation "GmbH" accordingly. We count about 600 000 companies in Germany that act under this legal form. Hence the legal aspect is a core aspect in allowing the use of the term "GmbH" as part of a second-level domain. Companies with the corporate form of a GmbH enjoy special trust amongst customers and business partners with regard to this legal incorporation on the German market. Therefore the German Association of Chambers of Commerce and Industry (DIHK), representing 3,6 million businesses in Germany believes that, in order to protect those legitimate expectations, a future applicant for ".gmbh" should ensure that second-level domains below a top-level domain ".gmbh" should be granted solely to companies with this corporate legal structure.

The German Government as well as Austria and Switzerland underlined in their early warnings of November 2012 to all parties applying for ".gmbh" that they should fulfil the following requirements:

- Applicants for SLDs under ".gmbh" have to be companies which are already organized as "Gesellschaft mit beschränkter Haftung" according to the regulations valid in Germany, Austria, Switzerland or Liechtenstein, or they should be able to prove that such a registration is pending in at least one of these countries. Compliance with these requirements has to be regularly reviewed.

- Applicants for SLDs have to prove that they are subject to liability as a GmbH by forwarding a full set of valid documents from their respective place of jurisdiction.

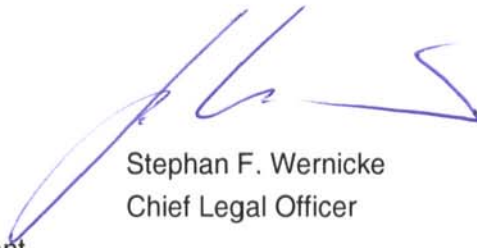
We fully support this demand and ask ICANN to ensure that the above-mentioned criteria are made mandatory for the new operator of a ".gmbh" registry in order to permanently exclude a misuse of second-level domain names.

If you have any questions, please do not hesitate to ask us for further information.

Yours sincerely,



August Optmeyer
Managing Director
Services Sector an Regional Development



Stephan F. Wernicke
Chief Legal Officer