

Message Date 4/4/2014 7:08 PM

From Name Reynolds, Leslie

To Address newgtld@icann.org

Subject Letter from NASS regarding Community Application Process for Corporate Identifier strings (.INC, .LLC, .LLP, .CORP)

Good Afternoon:

I have forwarded the attached letter to Jamie Hedlund at ICANN, with whom we have communicated in the past. However, it was suggested that I also send the letter to this email address.

Please note that this letter restates the position of the members of the National Association of Secretaries of State that we have concerns regarding the issuance of the extensions .INC, .LLC, .CORP and .LLP. We believe these extensions should only be awarded to entities that are appropriately registered and in good-standing with the Secretary of State or other appropriate state agency. To do so otherwise could invite fraudulent business registration, business identity theft and consumer confusion.

Previous NASS letters have called for safeguards and restrictions on these extension, which we understand can only be done effectively through a community application process where restrictions and safeguards can be administered, maintained and enforced.

Thank you for your attention to this matter.

Leslie Reynolds
Executive Director
National Association of Secretaries of State
444 N. Capitol Street, N.W.
Suite 401
Washington, DC 20001
202-624-3525
www.nass.org



April 1, 2014

Economist Intelligence Unit
20 Cabot Square
London, E14
United Kingdom

To Whom it May Concern:

The National Association of Secretaries of State (NASS) recently reviewed the comments posted to the Internet Corporation of Assigned Names and Numbers (ICANN) website regarding the issuance of corporate identifier extensions .INC, .LLC, .LLP, and .CORP. On behalf of our Executive Board, I would like to make some minor clarifications and update you on the latest resolution adopted by our group.

As you may know, NASS is a not-for-profit professional association whose membership includes Secretaries of State and Lieutenant Governors representing U.S. states and territories. With a majority of members who are responsible for the oversight of business entity registration processes in their respective states, we are strongly united in our belief that ICANN should only award these extensions according to Government Advisory Committee (GAC) recommendations, which urge the adoption of appropriate safeguards, accountability of applicants, verification of business entity registrations and restrictions designed to protect the U.S. business community and consumers.

In July 2013, NASS unanimously passed a resolution solidifying this position as an organization. The resolution, available [online](#), reiterates the membership's collective concerns and recognizes our shared belief that not having "enforceable safeguards to protect against misuse could ultimately have a harmful effect on entities that are legally registered in the U.S." Additionally, it notes that NASS and its members "have previously expressed in numerous letters to ICANN that these extensions may be unnecessary and irresponsible, but if allowed, they should only be awarded to entities that are appropriately registered and in good-standing with Secretary of State or state filing offices of jurisdiction."

Our position also affirms that the community application process is the only option to ensure that safeguards and restrictions to protect U.S. businesses can and will be enforced, stating, "[T]he Government Advisory Committee to ICANN has issued advice in regards to the necessity of safeguards and restrictions on these particular Internet extensions and we believe these safeguards and restrictions

are only enforceable in the community application process.” It is important to note that the entity designations under consideration (INC, LLC, CORP, LLP) are not generic terms. These abbreviations have been used for decades in the United States to identify registered business entities with the ability to conduct commerce.

As the only community applicant in this process, DOT Registry LLC has spent the last several years reaching out to NASS and more importantly, the Secretaries themselves, to actively seek an understanding of how the business entity registration process works in each state. In turn, the Secretaries of State have shared with DOT Registry LLC the processes and guidelines that would be deemed appropriate for maintaining the integrity and security of such entities in establishing a registry of corporate identifier TLDs. Any award by ICANN should be to the applicant that will commit to maintaining and enforcing a system with regular, real-time verification of each company's legal status, in accordance with state law.

While we respect the important role that ICANN must play in convening global stakeholders, the process for issuing the aforementioned corporate identifier strings must not threaten the stability and legally-established protections of registered businesses in the U.S., as well as the state government agencies that register and maintain information on the standing of such entities. As our July 2013 resolution states, “there is a growing national concern relating to fraudulent business registration, business identity theft, online consumer protection, and consumer confusion,” and “if these extensions were to be awarded without enforceable safeguards, it could allow anyone to operate a .INC, .LLC, .LLP or .CORP website, regardless of their actual business registration status/entity type.”

We reiterate member sentiments that ICANN must proceed “cautiously and deliberately” in its review of applications for these gTLDs, giving careful consideration to the necessity of a community application process. If the ability to grant these designations is necessary, then it is our desire that only a responsible steward be awarded the opportunity to administer these corporate identifier extensions relating to these long-standing business designations.

Regards,



Hon. Tre Hargett, Tennessee Secretary of State
President, National Association of Secretaries of State

cc: Dr. Stephen Crocker, Chairman of the Board, ICANN