

GAC Advice Response Form for Applicants



Please complete this form and submit it as an attachment to the current Customer Portal case using the following naming convention: "[Application ID] Additional Response to GAC Cat 2 Advice" (e.g, "1-111-11111 Additional Response to GAC Cat 2 Advice"). All responses must be received no later than 23:59:59 UTC on 17-January-2014.

Please note: This form will be publically posted.

Respondent:

Application Prioritization Number	1849
Applicant Name	Bridgestone Americas Tire Operations, LLC
Application ID	1-2123-56973
Applied for TLD (string)	TIRES

Response:

Please see response attached

BRIDGESTONE
Bridgestone
Americas Tire
Operations,
LLC

10 East Firestone Blvd.
Akron, Ohio 44317

Thomas R. Kingsbury
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March 17, 2014

Dr. Steve Crocker, Chairman of the Board
Mr. Fadi Chehade, President and CEO
Internet Corporation for Assigned Names and Numbers
12025 Waterfront Drive, Suite 300
Los Angeles, CA 90094-2536

Re: Bridgestone Americas Tire Operations, LLC Response to GAC Category 2 Advice

Dear Dr. Crocker and Mr. Chehade:

We thank you for the opportunity to provide input into the ongoing Governmental Advisory Committee (“GAC”) Category 2 Advice regarding New gTLD applications, and in particular the GAC Communiqués of April 11, 2013 from Beijing and November 20, 2013 from Buenos Aires.

Bridgestone Americas Tire Operations, LLC (“BATO”) applied for the gTLD “.tires” with the clear intent to operate it as a private registry, as this was an option presented for the new gTLD’s under the ICANN guidelines. BATO has spent a considerable amount of time and money to prepare and apply for the .tires gTLD in accordance with the ICANN Applicant Guidebook. ICANN is now asking the applicants that indicated that their applied-for TLDs would be operated as exclusive access registries “how exclusive registry access for the applied-for TLD will serve a public interest goal.”

BATO is part of the Bridgestone Group. The Bridgestone Group is the world’s largest tire and rubber company. In addition to tires, the Bridgestone Group manufactures a broad range of diversified products that include industrial rubber and chemical products and sporting goods. The Bridgestone Group has over 180 manufacturing plants and R&D facilities in 25 countries and sells products into more than 150 countries worldwide.

The Bridgestone Group and BATO fully support a goal of serving the public interest with its operation of the .tires gTLD. Bridgestone’s corporate mission statement is “Serving Society with Superior Quality.” Thus, serving the public is one of the cornerstones of our company.¹

BATO is confident that its proposed use of the .tires gTLD will undoubtedly serve the public interest as stated in its application, and in accordance with all ICANN guidance, directives and contractual obligations. For example, Bridgestone indicated in its application in responding to question 18A. (Describe the mission/purpose of your proposed gTLD) that it intended to operate the gTLD to promote consumer trust, competition and consumer choice. Because the .tire gTLD will be operated in a centralized manner by the world’s largest tire and rubber company, consumers can access the domain’s content with confidence that the information being provided by the gTLD is accurate and trustworthy. The public interest is also served by increasing competition which will drive

¹ <http://bridgestone.com/corporate/philosophy/index.html>

existing and new TLD registry operators to make improvements in mechanisms to improve consumer trust of their TLDs.

Notwithstanding the above, BATO believes that the GAC advice is inconsistent with the rules, policies and procedures set forth in the Applicant Guidebook under which BATO submitted its .tires gTLD application.

In June 2011, ICANN's Board of Directors approved the Applicant Guidebook and authorized the launch of the New gTLD Program. The program's goals include enhancing competition and consumer choice, and enabling the benefits of innovation via the introduction of new gTLDs, including both new ASCII and internationalized domain name (IDN) top-level domains. <http://newgtlds.icann.org/en/about/program>.

The Guidebook goes on to state that "ICANN's work next focused on implementation: creating an application and evaluation process for new gTLDs that is aligned with the policy recommendations and provides a clear roadmap for applicants to reach delegation, including Board approval." And "[t]his Applicant Guidebook is the implementation of Board approved consensus policy concerning the introduction of new gTLDs, and has been revised extensively via public comment and consultation over a two-year period."

So for over two-years ICANN revised the Guidebook extensively via public comment and consultation with the goal of providing a clear roadmap for applicants to reach delegation and Board approval, which included accepting "closed generic" gTLD applications.

Not only does the Applicant Guidebook provide for the registration of "closed generics," ICANN made a conscious decision to allow applicants to apply for "closed generics," to the point of confirming this, as noted in the Transcript GNSO Council Teleconference of 14 February 2013. During that Teleconference, Jeff Neuman states "[a]lso, many conversations with Kurt Pritz in open public meetings. There were many references to brands, applying for closed TLDs. Again, no discussion as to whether that was right or wrong, but it was accepted fact. And in fact I remember in several meetings I brought up, I asked specifically about the Kraft example, and it didn't apply. But I said, you know, 'What if Kraft applied for [.food] and wanted it all by itself?' And the answer from ICANN staff was always, 'Yes, that's acceptable. Yes, that's acceptable.'"

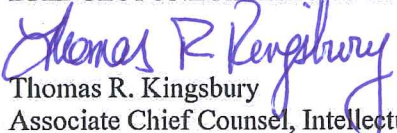
Thus, after allowing for closed generics in its Applicant Guidebook and confirming this position on at least one occasion, ICANN is now coming back to applicants for a response to the GAC Category 2 Advice.

BATO hopes that in evaluating whether to accept the GAC Category 2 Advice, ICANN also considers the significant amount of time, money and resources BATO and the other applicants who applied for "closed generics" have spent in preparing their applications in accordance with the ICANN published policies and procedures.

If ICANN ultimately decides that it is unwilling to allow closed generics to proceed, BATO would expect that ICANN will provide a full refund of its \$185,000 application fee in addition to some additional reasonable amount of money to compensate BATO for the significant amount of time and resources (including employee time and consulting fees) that it incurred to submit its .tires gTLD in good faith under guidelines published by ICANN.

Sincerely,

BRIDGESTONE AMERICAS TIRE OPERATIONS, LLC


Thomas R. Kingsbury
Associate Chief Counsel, Intellectual Property