

Our ref FPE/mne/107646.0000003
Your ref

Flip Petition
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23 September 2013

To the attention of Mr. Bruce Tonkin,
Chair, ICANN Board Governance Committee
4676 Admiralty Way, Suite 330
Marina del Rey, CA 90292

USA

By regular mail and by e-mail: reconsideration@icann.org

Dear Sir,

Re: Request for Reconsideration - Request 13-6, Hotel Top Level Domain S.a.r.l.

Reference is made to the abovementioned matter and our letter of August 30, 2013. On September 19, 2013, Mr Christoph Klenner has sent you a letter to express the support of the European Technology & Travel Services Association to Reconsideration Request 13-6 (hereinafter, 'Letter of Support').

This Letter of Support does not remedy the deficiencies of the Reconsideration Request 13-6, as identified in our letter of August 30, 2013.

In addition, we wish to remind you of NGPC Resolution 2013.06.25.NG07, determining that *"no changes are needed to the existing mechanisms in the Applicant Guidebook to address potential consumer confusion resulting from allowing singular and plural versions of the same string."* Indeed, the mere possibility of user confusion is insufficient to find a likelihood of confusion. As explained in the rationale to NGPC Resolution 2013.06.25.NG07, "similar" in the Applicant Guidebook means strings *"so similar that they create a probability of user confusion if more than one of the strings is delegated into the root zone. During the policy development and implementation design phases of the New gTLD Program, aural and conceptual string similarities were considered. These types of similarity were discussed at length, yet ultimately not agreed to be used as a basis for the analysis of the string similarity panels' consideration because on balance, this could have unanticipated results in limiting the expansion of the DNS as well as the reach and utility of the Internet."*

The fact that certain plural versions of gTLDs have been found confusingly similar does not contradict a finding of the absence of confusing similarity between Hotel Top-Level-Domain

S.à.r.l.'s application for .HOTEL and Booking.com B.V.'s application for .HOTELS. Each string confusion objection had to be addressed on its own merits. It is worth mentioning that string confusion objection expert panels have ruled that the following gTLD strings are not confusingly similar:

- .CARS and .CAR
- .TVS and .TV

In addition, only a small number of applicants/registry operators filed a string confusion objection to applications for a string which is the same as their string, plus *c.q.* minus 's'. This indicates that most applicants/registry operators consider that there is no likelihood of confusion between such strings and that they accept co-existence. These applicants include the other 6 applicants for .HOTELS, the registry operator for .EU (who did not object to the application for .EUS), the applicants for .NEWS and .NEW, for .ACCOUNTANTS and .ACCOUNTANT, .AUTOS and .AUTO, for .DEALS and .DEAL, .WORKS and .WORK, etc.

Accepting both the applications for .HOTELS and .HOTEL would not contradict any policy established by ICANN.

Therefore we reiterate our request for the BGC to conclude that the Requester has not stated proper grounds for reconsideration and to recommend that Hotel Top Level Domain S.a.r.l.'s request be denied without further consideration.

Sincerely yours,



Flip Petillion