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DONALD J. SIMON
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April 21, 2000

Sabrina McLaughlin
Office of General Counsel
Department of Commerce
Room 5876
14th & Constitution Avenues, NW
Washington, DC 20230

**Re: Notice and Request for Public Comment on Dispute Resolution Issues Relating
to Section 3002(b) of the Anticybersquatting Consumer Protection Act**

Dear Ms. McLaughlin:

I am writing on behalf of Common Cause to submit these comments in response to the Notice and Request for Public Comments published in the Federal Register on February 29, 2000 (65 Fed. Reg. 10763).

Common Cause is a nonpartisan, nonprofit organization with more than 215,000 members nationwide. For more than 30 years, Common Cause has worked for open and accountable government, for the right of all citizens to be involved in shaping our nation's public policies, and for a level playing field in our nation's political campaigns between wealthy interest groups and average citizens. We believe that the Internet has great potential to serve these ends.

Because of our particular expertise and interest in campaigns and elections, our comments will focus on the portion of the *Anticybersquatting Consumer Protection Act* related to domain names and the personal names of candidates for public office.

As explained below, we recommend that the Department support the creation of a dedicated candidate-only web space that provides a clear and distinguishable domain name for official candidates. In our view, this approach will best serve to minimize public confusion while promoting open political discussion on the Internet.

The Act & Political Campaigns

The Anticybersquatting Consumer Protection Act orders the Department of Commerce (DOC) and the Federal Election Commission (FEC) to report to Congress on guidelines and recommendations for "protecting the public from the registration of domain names that include the personal names of [political candidates]...in a manner that disrupts the electoral process."

Domain name registration plays a key role in determining the ease or difficulty with which users navigate the Internet and locate the information they seek. In the case of political campaigns, domain names that contain candidate names serve to inform users that the web site at that domain contains campaign-related information.

At the same time, multiple web sites containing a given candidate's name may cause confusion among users, making it difficult for them to distinguish information provided by the candidate from that provided by those not connected with the candidate's campaign. As such, domain names could be used to deceive Internet users – to veil information not representing a candidate's view as information coming directly from the candidate. This potential confusion and deception could rise to a level of disrupting the electoral process, as the Act suggests.

Common Cause believes that there is an important public interest served in preventing such confusion and deception in our political campaigns – in making it as easy as possible for voters to locate official candidate web sites and distinguish them from non-candidate sites.

Remedies & Recommendations

The Act provides that those who "cybersquat" on a domain name containing a personal name "shall be liable in a civil action by such person." And in civil actions brought under the Act, "a court may award injunctive relief, including the forfeiture or cancellation of the domain name or the transfer of the domain name to the plaintiff," as well as "costs and attorneys fees."

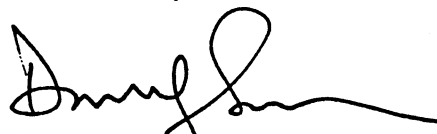
Rather than relying on this negative remedy that restricts the domain names for which individuals can register without fear of legal action, Common Cause believes that user confusion and deception in political web sites can best be minimized through a positive

approach that will help voters locate official campaign web sites and distinguish them from non-candidate sites. Thus, we recommend DOC and FEC urge Congress to:

1. Create a dedicated candidate-only web space that guarantees each official candidate access to a clear and distinguishable domain name. One possibility is to designate a sub-domain in the .us country-code top-level domain. Just as it does for the official U.S. agencies and organizations who have exclusive access to this top-level domain, a candidate sub-domain in .us would serve the explicit purpose of the Act to give users confidence that that they have located the site of an official registered candidate for public office.
2. Develop a public education campaign to foster wide recognition of this dedicated web space as the official domain for candidate sites; and
3. Create an on-line directory of official candidate web sites and distribute it to Internet service providers, search engines, and other entities that provide users with tools to navigate the Internet, so that those entities can help users distinguish official candidate web sites from other candidate-related sites.

Common Cause believes that these positive steps to facilitate citizen navigation of this open and expansive network will better serve the democratic potential of the Internet in our political campaigns than will negative remedies equipping candidates with the ability to bring civil action against those holding domain names that include their personal names.

Respectfully,

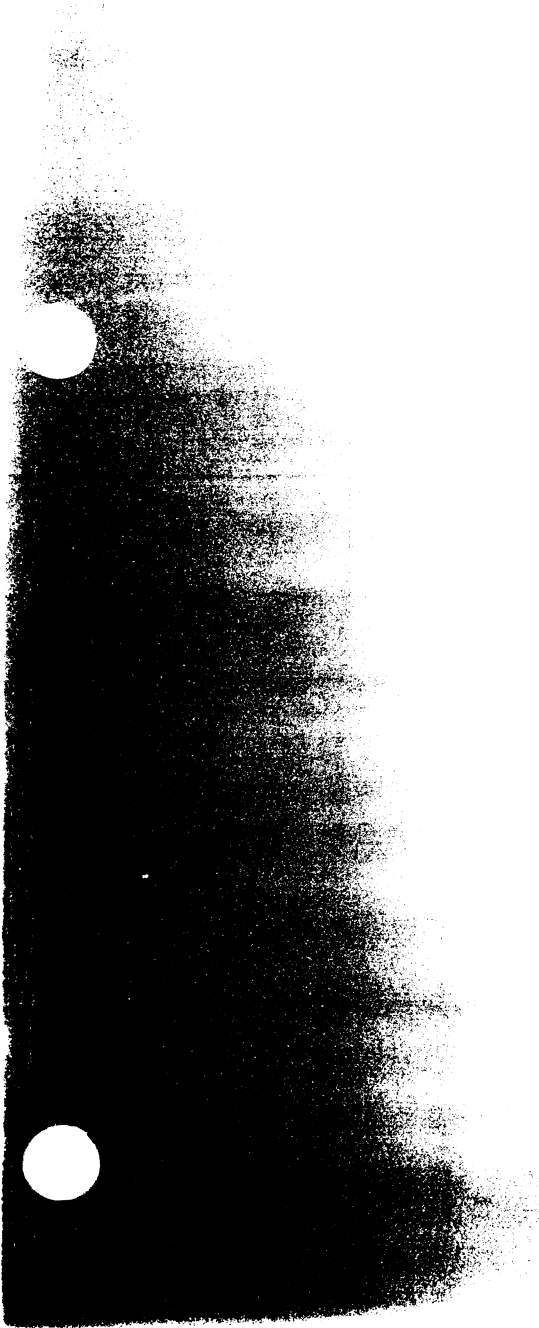
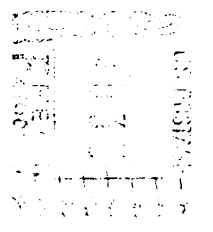
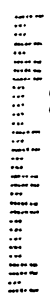


Donald J. Simon
General Counsel for Common Cause

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To: Domain Name@Leg@OGC
From: S=Jfrazier/C=US/A=INTERNET/DDA=ID/Jfrazier(a)SONOSKY.COM
Cc:
Subject: Attention: Sabrina McLaughlin
Attachment: 34983_1.WPD,MIME.MSG
Date: 4/21/00 12:20 PM

The attached document from Don Simon is also being faxed and mailed to you.

If you have any problems with this document, please contact me at (202)
682-0240.

Jenifer Frazier

<<34983_1.WPD>>

To: Sabrina McLaughlin
Fax: 482-0512
Re: Anticybersquatting Consumer Protection Act
Date: April 21, 2000
Pages: 4

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From the desk of...

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