



INTERNATIONAL  
OLYMPIC  
COMMITTEE

Internet Corporation for Assigned  
Names and Numbers (ICANN)  
4676 Admiralty Way, Suite 330  
Marina del Rey, CA 90292-6601

Ref. No 315  
By mail and email

Lausanne, 9 April 2009

### **Generic Top Level Domains (“gTLD”) Applicant Guidebook Version 2**

Dear Sir/Madam,

The International Olympic Committee (the “**IOC**”) wishes to submit the following comments in response to ICANN’s invitation for public comment regarding the second version of the gTLD draft applicant guidebook.

The IOC provided to ICANN a letter, on 5<sup>th</sup> December 2008 (copy attached for easy reference), emphasizing the unique nature of the Olympic Trademarks (such as the word OLYMPIC and City & Year Marks, such as “Vancouver 2010”) and detailing the IOC’s concerns with your proposed project regarding generic Top Level Domains.

Please note that the concerns of the IOC, including the threatened proliferation of cybersquatting, have not been addressed to the IOC’s satisfaction. To that effect, the IOC would be grateful to receive your comments on the issues and questions raised in its above-noted letter.

The IOC should not be put into the position of having to spend time, energy and funds to engage in protracted and costly proceedings to protect the Olympic Trademarks against cybersquatting under the new gTLD system. In addition, it appears that your proposed project may give rise to numerous ambush marketing opportunities by third parties, including competitors of Olympic broadcasters and sponsors, which would cause further material financial prejudice to the IOC, the National Olympic Committees, the International Sport Federations, the Organizing Committees for the Olympic Games and other members of the Olympic Movement. In other words, this would likely threaten the revenue base of the Olympic Movement and have negative consequences on the organization and staging of the Olympic Games.

Notwithstanding the IOC’s continued opposition to the proposed gTLD project, the IOC strongly suggests (and holds ICANN responsible for) implementing solutions, including those referred to in the IOC’s above-noted letter and suggestions made by WIPO, that address the concerns of the IOC, among other trademark owners, in a satisfactory manner.

To this end, the IOC recognizes that measures, such as the “Pre-Delegation Dispute Resolution Procedure” and the proposed World Intellectual Property Organization (WIPO) “Post-Delegation Dispute Resolution Procedure”, are useful starting points to address higher level responsibility in connection with the increased cybersquatting expected to result from the new gTLD system.



Any gTLD system should expressly provide trademark owners with effective remedies against cybersquatters and should provide for a list of reserved Olympic Trademarks, just as ICANN has reserved its own marks, based on the statutory protection afforded to the Olympic Movement, which sets it apart from other commercial entities.

The IOC reserves its right to take action against ICANN for damages resulting to the IOC or the Olympic Movement from the implementation of the gTLD proposal.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Urs LACOTTE'.

Urs LACOTTE  
Director General

A handwritten signature in blue ink, appearing to read 'Howard M STUPP'.

Howard M STUPP  
Legal Affairs Director

Enc.



INTERNATIONAL  
OLYMPIC  
COMMITTEE

Ref. No 1283

Internet Corporation for Assigned Names and  
Numbers (ICANN)  
4676 Admiralty Way, Suite 330  
Marina del Rey, CA 90292-6601

Lausanne, 5<sup>th</sup> December 2009

### **ICANN's proposed generic Top Level Domains**

Dear Sir/Madam,

The International Olympic Committee (the "IOC") wishes to submit the following comments regarding ICANN's proposed generic Top Level Domains, in response to ICANN's invitation for public comments.

The IOC, founded in 1894, is the international, non-governmental, non-profit umbrella organization of the Olympic Movement. Since 1896, when the IOC held the first Olympic Games in Athens, it has conducted a total of 20 Olympic Winter Games and 25 Olympic Summer Games--most recently the Games of the XXIX Olympiad in Beijing in 2008.

The IOC owns all intellectual property rights regarding the Olympic Games, including the word OLYMPIC, and the Olympic City & Year Marks, such as "BEIJING 2008", (the "Olympic Trademarks"). All of the National Olympic Committees (the "NOCs"), including the United States Olympic Committee ("USOC"), use these Olympic Trademarks under the auspices of the IOC. The IOC and the NOCs have registered Olympic Trademarks throughout the world.

Several nations, including the United States, the United Kingdom, Canada, Greece, Australia and China have enacted legislation to protect the IOC's Olympic Trademarks. Since 1950, the Olympic Trademarks have been protected by U.S. statute, codified at 36 U.S.C. §220501 et seq. (the "Olympic and Amateur Sports Act"). Similarly, China enacted Regulations on Protection of Olympic Symbols on April 1, 2002. Such legislation has been successfully used to prevent infringement and cybersquatting of the Olympic Trademarks in the United States, China, and other countries.

The IOC has long been plagued by cybersquatters who illegally register and use Olympic Trademarks in Internet domain names and websites. To redress this problem, the U.S. Congress in 1999 incorporated the protection of the Olympic Trademarks into the Anticybersquatting Consumer Protection Act, granting special protection to Olympic Trademarks. 15 U.S.C. §1125(d)(1)(A)(ii)(III). Under this statute, among other court actions, the IOC filed suit in the year 2000 in the United States District Court for the Eastern District of Virginia against 1,800 illegal domain names containing Olympic Trademarks, and cancelled or took control of virtually all of the infringing domain names. Additionally, the IOC has regularly filed successful UDRP complaints against unauthorized parties in order to protect its Olympic Trademarks.

The Olympic Trademarks constitute a unique property right, unlike any other. As the U.S. Supreme Court has recognized, the IOC, together with the USOC, have used the word 'Olympic' at least since 1896, when the modern Olympic Games began" - *San Francisco Arts & Athletics v. Olympic Committee*, 483 U.S. 522, 533 (1987). The U.S. Congress has recognized that the value of the Olympic Trademarks derives from their "own talents and energy, the end result of much time, effort, and expense."



With the unique nature of the Olympic Trademarks in mind, the IOC would like to point out the cybersquatting problems posed to those Olympic Trademarks by ICANN's proposed generic Top-Level Domain names. Nothing in the proposed guidelines acknowledges the preeminent rights, protected both by statutes and registrations, that are afforded the Olympic Trademarks. The ICANN guidelines for generic Top Level Domains should explicitly acknowledge the IOC's preeminent intellectual property rights in the Olympic Trademarks.

Otherwise, even though the IOC has vigorously monitored and taken action against Olympic cybersquatters, the addition of generic Top Level Domains—currently estimated to create numerous new domains—would result in a proliferation of infringing domains. It would render effective protection of the Olympic Trademarks virtually impossible. This could allow cybersquatting to proliferate to an unprecedented degree, and it would oblige the IOC to engage in costly dispute resolution proceedings to protect its intellectual property rights.

For the above reasons, the IOC opposes the proposed generic Top-Level Domain name project as a whole. However, if ICANN insists on moving forward with its proposal, the IOC's position is that it is ICANN's responsibility to find a solution in order to address the concerns of the IOC in a manner satisfactory to the IOC.

In particular, the IOC would be grateful if ICANN responded to the following two questions:

- 1) What preemptive measures can ICANN take to block or screen out unauthorized applicants who attempt to apply for, register, and use Olympic Trademarks in gTLD domains?
- 2) What preventive measures can ICANN take in order to ensure that the IOC does not have to expend funds chasing a proliferation of unauthorized uses of Olympic Trademarks?

The IOC stresses that many other entities outside the Olympic Movement will most certainly have concerns regarding potential abuses of their Intellectual Property rights, similar to those expressed above by the IOC. It is essential that ICANN addresses those concerns in a responsible manner in order to avoid the proliferation of unauthorized uses of Intellectual Property and the resulting waste in time, resources and money.

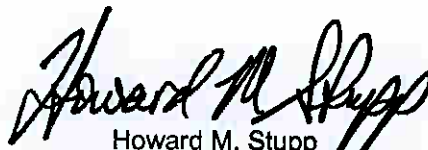
The IOC thanks you in advance for your understanding and cooperation regarding this matter.

Please do not hesitate to get back in touch with us in order to discuss further.

The IOC reserves all its rights regarding this matter.

Yours sincerely,

  
Urs Lacotte  
Director General

  
Howard M. Stupp  
Legal Affairs Director