21 July 2010

**Comments from Nestlé on DAG 4**

Nestlé Group, as brand owner, has been following up ICANN’s work-in-progress to implement coherent and effective legal measures into the new gTLDs process. While Nestlé appreciates ICANN’s efforts, it does believe that the IRT minimum standards have been diluted and the currently suggested measures do not achieve the purpose of protecting IP within the launch of the new gTLDs.

In particular the criteria set for URS do not provide a cost effective and timely mechanism anymore. URS must apply for clear-cut-cases and offer a fast, simple and cheap complaint process that will have an efficient impact against cybersquatting.

Furthermore the criteria of the Trademark Clearinghouse must be better defined; in particular ICANN must clarify the terminology “substantive review”. The criteria should not create any discrimination against duly registered trademarks (be it under a “substantive” or “non substantive review”).

PDDRP should foresee that it is up to ICANN to take the responsibility to policy the bad actor registries. ICANN should not shift this responsibility onto the users.

Nestlé also regrets the removal of the Globally Protected Marks List.

Finally please note that Nestlé supports the joint comments made by MARQUES / ECTA as well as WIPO’s comments.

Consequently Nestlé calls on the ICANN Board and Staff to review the current Draft and to adapt it in order to implement strong measures to protect IP before any new gTLDs are released.

Submitted by

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