

INTA Response to ICANN’s Request for Comments On: “Closed Generic” gTLD Applications

The International Trademark Association (INTA) submits the following response to ICANN’s request for comments on the issue of “closed generic” gTLD applications.

On 2 February, 2013, the ICANN Board's New gTLD Program Committee passed a Resolution on “closed generic” gTLD applications. The Resolution sets forth that ICANN’s Generic Names Supporting Organization (GNSO) policy recommendations on the "Introduction of New Generic Top-Level Domains" contains “no specific policy” regarding "closed generic" top-level domains (TLDs).

ICANN’s public announcement states it is seeking “stakeholder views to help define and consider this issue,” while its staff is concurrently requesting guidance from its GNSO Council. Specifically, ICANN is seeking views on: (i) how to consider whether a string is “generic” and (ii) whether specific requirements should be adopted corresponding to this type of application.

As reflected in ICANN’s Board Resolution on this topic, INTA believes that the public interest implications of “closed generic” top-level domains were not fully appreciated by ICANN during the implementation of its New gTLD Program. For this reason, stakeholders have not had the opportunity to consider the myriad of issues surrounding this proposed concept. Furthermore, INTA respectfully submits that four weeks is manifestly too short a period of time for taking input from stakeholders on this important and complex subject. The issue of “closed generic” TLDs potentially implicates trademark law, competition law and other legal considerations—as well as decisions of potential objectors to “closed generic” applications—and bears careful examination and consultation with the various stakeholders who may be impacted.

For these reasons, INTA urges ICANN to allow all stakeholders to vet sufficiently the possible ramifications of “closed generic” gTLD applications prior to approving such TLDs for entry into the root zone; and to extend the objection deadline, currently set for March 13, 2013, at least with respect to such “closed generic” TLD applications until the ICANN community has settled these important issues.

About INTA

Founded in 1878, the International Trademark Association (INTA) is a global organization with members in over 190 countries. One of INTA’s key goals is the promotion and protection of trademarks as a primary means for consumers to make informed choices regarding the products and services they purchase. During the last decade, INTA has served as a leading voice for trademark



655 Third Avenue, 10th Floor, New York, NY 10017-5646, USA

t: +1-212-642-1700 | f: +1-212-768-7796

inta.org | info@inta.org

owners in the development of cyberspace, including as a founding member of ICANN's Intellectual Property Constituency (IPC).