

Google Registry

April 21, 2014

Via Electronic Mail
comments-name-collision-26feb14@icann.org

Re: Reply Comment to ICANN's Public Comment on Mitigating the Risk of DNS Namespace Collisions

We respectfully provide the following reply in response to several submitted comments elicited via ICANN's Public Comment period on Mitigating the risks of DNS namespace collisions.

Sunrise and Claims Period for Name Collision Block List Domains

We support the comments filed by Valideus and FairWinds suggesting that all names, which registries were forced to block under their alternative path to delegation plans, be subject to the Sunrise and Trademark Claims services outlined in the gTLD Applicant Guidebook, the Registry Agreement, and the Rights Protection Mechanism Requirements (RPMs).

The RPMs were developed to create a consistent way for trademark holders to protect their rights across all new gTLDs. Unfortunately, it was not clear from the alternate path to delegation information outlined in the *New gTLD Collision Occurrence Management Plan* whether registry operators were supposed to make these names available for allocation during their Sunrise periods (but not activate them until their final name collision management framework was implemented). As a result, some registry operators have allowed participants in the Trademark Clearinghouse to apply for and be allocated blocked names during their Sunrise periods, while other registry operators have not. ICANN's [FAQ on Name Collision](#) makes clear that names included in the "block list" should be included in both Sunrise and Claims, but to date neither the RPM Requirements nor Specification 6, Section 6 provide an explicit mechanism for the treatment of these names during Sunrise.

In order to address these inconsistencies and to comply with the spirit of the RPMs, we support Valideus' and FairWind's proposals that ICANN require all name collision block list names released under a registry's alternate path to delegation be subject to a Sunrise period prior to being made generally available. However, for purposes of clarity, we believe that the proposed requirement for blocked names to proceed through Sunrise and Trademark Claims periods should not extend to any names that a registry operator is permitted to reserve for other reasons,

such as is permitted under Section 2.6 and Specification 5 of the Registry Agreement. As Section 2.4.3 of the RPM Requirements makes clear, names explicitly reserved by the registry (as opposed to by ICANN), which are released for registration after the beginning of the Claims period would be subject to Claims but not to Sunrise.

Sincerely,

A handwritten signature in blue ink that reads "Sarah Falvey". The signature is written in a cursive, flowing style.

Sarah Falvey
Policy Manager and Primary Contact