



**INTA Internet Committee Comments on Implementing Rights Protection Mechanisms in
the Name Collision Mitigation Framework
12 September 2014**

The Internet Committee of the International Trademark Association (INTA) refers to its letter dated 18 July 2014 to Cherine Chelaby of the New gTLD Program Committee (the INTA Letter), in which it expressed its strong concern regarding ICANN's apparent intention to allow new gTLD registries to make second-level domain names (SLDs) on name collision block lists generally available for registration once they had undergone the name collision mitigation framework, even if such SLDs have not previously gone through a Sunrise period.

INTA appreciates ICANN's reconsideration of this proposal and the opportunity to provide comments on this specific issue in relation to the implementation of the Name Collision Occurrence Management Framework and its interaction with required Rights Protection Mechanisms (RPMs, Section 1, Specification 7 of the new gTLD Registry Agreement).

At the outset, INTA would like to repeat its support for the alternative approach proposed by the Registry Stakeholder Group (RySG), the Business Constituency (BC) and the Intellectual Property Constituency (IPC), as expressed in the INTA Letter. We are disappointed that ICANN, in preparing its paper "Implementing Rights Protection Mechanisms in the Name Collision Framework" (the ICANN paper), failed to make it clear that INTA does not object to this alternative approach in these very specific and limited circumstances.

INTA's continued support is of course dependent on this alternative approach being implemented in a manner that adequately safeguards the rights of affected trademark owners. INTA understands that the RySG, BC and IPC are presently working together to try to agree on a set of joint recommendations to implement the alternative approach, in answer to the five questions posed in the ICANN paper. INTA therefore reserves the right to comment further during the Reply period once the outcome of this joint community effort is known.

To remove all doubt, INTA reiterates the points made in the INTA letter. In particular, it reiterates that releasing the Names Under Discussion (as defined in the ICANN paper) without first offering them to qualifying SLD holders in some form of "secondary sunrise" is a clear breach of the spirit of the RPMs. Further, the option that is identified by ICANN as being the "Status Quo", i.e. that such names must go through the Trademark Claims only, is a misrepresentation. These names are not Reserved Names within the meaning of the RPM Requirements: they are not names which Registries reserved at their own discretion, but are names on ICANN-imposed blocklists. Name collision blocklists were not contemplated when

the RPMs were developed and thus there is no presumption that these names should be treated in the same way as Reserved Names.

INTA looks forward to commenting further on this subject during the Reply period.

About INTA and the Internet Committee

INTA is a 136 year-old global not for profit association with more than 6,400 member organizations from over 190 countries. One of INTA's 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 also been the leading voice of trademark owners within the Internet community, serving as a founding member of the Intellectual Property Constituency of the Internet Corporation for Assigned Names and Numbers (ICANN).

INTA's Internet Committee is a group of over 200 trademark owners and professionals from around the world charged with evaluating treaties, laws, regulations and procedures relating to domain name assignment, use of trademarks on the Internet, and unfair competition on the Internet, whose mission is to advance the balanced protection of trademarks on the Internet.