



Donuts Inc. Comment on Proposed Renewal of .PRO Unsponsored TLD Registry Agreement

Thank you for the opportunity to comment on the proposed renewal of the .PRO Unsponsored TLD Registry Agreement.

Donuts' comments specifically are concerned with the proposed adoption of the Uniform Rapid Suspension (URS) protection mechanism as a component of the new registry agreement and the response of some parties about whether that is appropriate. The URS system, to date, has proven itself successful as a meaningful way to combat third party infringement; it is our opinion this demonstrated success should be carried forward into legacy TLDs, including .PRO, as a prudent rights protection mechanism.

As to URS being included in legacy TLDs, Donuts disagrees with the premise that doing so as a matter of contract renewal violates the tenets of the multistakeholder model. First, should the parties to this contract—the registry and ICANN—agree to a provision adopting URS, such an agreement is their prerogative and a policy development process (PDP) is not required. Second, and more to the point regarding the ICANN model, the design and implementation of the URS was agreed to in a consensus-based, multistakeholder fashion through the unanimous approval of the ICANN Special Trademark Issues Review Team (see <http://gnso.icann.org/en/issues/sti/sti-wt-recommendations-11dec09-en.pdf>). While the STI process didn't cover legacy TLDs, there certainly was no view of the STI that the URS should not be included in legacy TLDs. It was never considered.

We support a healthy domain environment and believe that the URS is an important part of the tapestry of protections that should apply to all TLDs. As such, Donuts supports the implementation of URS for .PRO as a matter of contract renewal, as well as the implementation of a PDP to cover legacy TLDs with contracts not ready for renewal.