



COMMENTS OF THE INTELLECTUAL PROPERTY CONSTITUENCY ON THE PROPOSED RENEWAL OF THE .PRO UNSPONSORED TLD REGISTRY AGREEMENT

The Intellectual Property Constituency (IPC) appreciates the opportunity to provide comments and clarifications regarding the proposed renewal of the .PRO Unsponsored TLD Registry Agreement (RA), particularly in light of comments and other discussions relating to the inclusion of the Uniform Rapid Suspension (URS) RPM. The IPC applauds legacy Registry Operators that choose to implement the RPMs contained in the New gTLD Registry Agreement. The IPC also encourages Registry Operators to voluntarily go above and beyond the minimum rights protections. Whether adding new restrictions against abusive registrations, implementing blocking or creating new dispute procedures, those best practices should be encouraged and do not require a PDP for TLD Operators to implement.

This extends to other features of the New gTLD Registry Agreement, such as the adoption of Specification 11 in the .PRO RA, including (among other things) the standard Public Interest Commitments. We support the .PRO Registry Operator's decision to include the PICS as well.

The claims that the Registry Operator's choice is "illegitimate" and "inappropriate" are without merit.¹ An individual Registry Operator's choice to adopt the URS or any other feature in the New gTLD Registry Agreement does not constitute "consensus policy." Indeed, the very concept of "choice" is antithetical to the concept of "consensus policy." Furthermore, there is clearly no requirement that an RPM must become consensus policy before it can be adopted by a registry. We have already learned that from Donuts and Rightside Registry, both of whom adopted a form of "blocking" as an RPM, which was also not consensus policy. Also contrary to the claims made in other comments, the IPC reminds ICANN and the other commenters that the URS was adopted pursuant to a multistakeholder process and was the result of discussion, compromise and consensus.

The IPC also notes that a number of other claims made in comments opposed to the adoption of the URS by .PRO are not supported by fact. The claim that the URS "has largely displaced the existing UDRP system for the new gTLDs" is absurd.² A review of proceedings since the launch of new gTLDs shows significant use of both the URS and the UDRP. IPC members have noted that they use both the URS and the UDRP, applying them in different cases based on various circumstances.

Claims that "numerous Internet users will be unable to use their domains without any due process based on nothing but overzealous claims from trademark attorneys"³ are alarmist and untrue, given that the URS (unlike the UDRP) offers losing registrants a right to appeal a decision, and the URS (unlike the UDRP) limits a complainant's right to pursue future claims after certain instances of abusive complaints.

¹ <http://forum.icann.org/lists/comments-pro-renewal-28may15/msg00001.html>.

² <http://forum.icann.org/lists/comments-travel-renewal-12may15/msg00006.html>.

³ <http://forum.icann.org/lists/comments-cat-renewal-28may15/msg00001.html>.



Finally, the “clear-cut cases of abuse” standard in the URS limits the circumstances in which it can be used, amply protecting registrants in the process. We trust that ICANN recognizes that these characterizations of the URS are baseless and merely reveal that the commenter does not like the URS. Such comments should not in any way influence ICANN or the .PRO Registry Operator (or other Registry Operators) in adopting the URS.

Respectfully Submitted,

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