



**IPC Comments on
.PRO Cross-Ownership Removal Request
August 16, 2013**

The GNSO Intellectual Property Constituency (IPC) is pleased to provide comments on the .PRO Cross-Ownership Removal Request.

If ICANN decides to permit existing gTLD registry operators to amend their Registry Agreement to remove the cross-ownership restrictions, it is imperative that removal of cross-ownership restrictions be contingent on additional amendments. Amended Registry Agreements should conform as closely as possible to the Proposed New gTLD Registry Agreement and at a minimum, further amendments must include:

(i) the Registry Code of Conduct (as finalized in the New gTLD Registry Agreement);

(ii) thick Whois (to the extent not already applicable); and

(iii) the text of Section 2.8 of the New gTLD Registry Agreement (concerning rights protection mechanisms) and paragraphs 1 and 2 of the Specification 7 referenced therein. With regard to this last amendment, compliance with the PDDRP, RDDRP, and URS should apply to, and consent to them should be required in the registration agreements for, all new second-level registrations and all second-level registrations renewed on or after the effective date of the amendment of the existing gTLD registry amendment.

Allowing registries to remove the cross ownership prohibition without the additional safeguards provided through these amendments would be reckless and contrary to the public interest.

Requiring these additional amendments is consistent with the stated goals of both a requesting Registry Operator (Afilias Limited) and the ICANN Board in the rationale for its Resolution 2011.04.21.13, namely “to ensure that [operators of both new and existing gTLDs are] able to compete on a level playing field.”

Without these additional amendments, the playing field will not be level. To the contrary, existing gTLD operators would have the competitive advantage of being freed from cross-ownership restrictions without the obligation to comply with additional responsibilities of new gTLD registry operators.

Thank you for considering our views on these important issues.

Respectfully submitted,

Intellectual Property Constituency (IPC)