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Dear Sirs,

Preliminary Issue Report on a GNSO Policy Development Process to Review All Rights Protection Mechanisms in All gTLDs

With reference to ICANN's Preliminary Issue Report on a GNSO Policy Development Process to Review All Rights Protection Mechanisms in All gTLDs, our comments are as noted below.

Demys Limited is a leading provider of corporate domain name management and an ICANN accredited registrar located in Edinburgh, United Kingdom. Our Brand Protection services include domain name disputes and acquisitions together with an advisory service designed to support all manner of on-line protection and enforcement. In this role, Demys have acted for dozens of Complainants in several hundred UDRP proceedings since its introduction in 1999.

We view the UDRP as a success, both for Complainants and Respondents, and would strongly suggest that before embarking on a review of the UDRP, ICANN should first consider the complexity and necessity of reviewing a system that works efficiently and effectively.

Domain name dispute mechanisms, including the UDRP, are designed to be simple, quick and inexpensive for both Complainants and Respondents and must remain so to be a practical alternative to cross-jurisdictional litigation, which is recognised as being both time-consuming and expensive for all parties.

Any review must carefully consider the "unintended consequences" of any changes to the current policy and procedures. While changes to the policy, such as "loser pays" sanctions, variations to the WhoIs, consideration of potentially-infringing content beyond the domain name, may appear to some to be desirable, the long-term consequences of complicating what is a relatively simple and straightforward process must be taken into account.

Furthermore, we note that discussions regarding Internet rights protection mechanisms often attract complex and polarised views and would suggest that care is taken to avoid capture by entities either strongly for or against such mechanisms. A balance between the rights of both Complainants and Respondents is fundamental to any review. The consequences of implementing changes that may lead to the diminution or loss of an inexpensive, straightforward and certain pathway to solve domain name disputes must be carefully considered.



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Demys endorses the comments made earlier in this process by WIPO and we lend our support to the view that caution should be taken when opening up the UDRP for review.

Thank you for your consideration.

Your faithfully,

Tim Brown
Director of Brand Protection