



Donuts Comment on Preliminary Issue Report on a PDP to Review All Rights Protection Mechanisms in All Generic Top-Level Domains ("Report")

Donuts is grateful for the opportunity to comment on this preliminary issues report.

Donuts supports a PDP to review existing rights protection mechanisms (RPMs) in two stages. The first stage would be to review the RPMs of this current round of new gTLDs to determine their effectiveness and appropriateness in a subsequent round, as well as with an eye toward making the existing RPMs apply fairly and equitably across all existing gTLDs, not just a subset of them.

Accordingly, the RPM PDP should address all registries and not perform the work in a subsequent round PDP, which only would impact future registries. Rather the work of the RPM PDP should flow into the work of the Subsequent Rounds PDP. Per the Staff Recommendation section of the Report, by having an RPM PDP, the work could "guide future rounds of gTLD expansion...A PDP could also result in clear and consistent policy frameworks for all RPMs in all gTLDs." We support an RPM PDP to get both benefits in one PDP. Consumers also would benefit from this approach as more RPMs would apply to more consumers sooner.

The second phase would be a review of the UDRP. It is not necessarily safe to assume it is a widely-held presumption that UDRP is without flaw; Donuts further believes it's generally wise to review policy that has been in operation for over a decade, as has UDRP. Thus, with regard to the three options for "work to be initiated by the GNSO in respect of reviewing the RPMs...", Donuts favors the third option (conduct a policy review of all the RPMs in two phases). To review the UDRP with its over fifteen years of history and case law at the same time would bog down the review of the other RPMs, thereby needlessly delaying the potential to implement existing RPMs in all TLDs and delaying the possibility of another round of TLDs.

Finally, Donuts disagrees with the interpretation that the Implementation Advisory Group concluded that UDRP and URS complaints are "first priority" metrics (report sec. 3.2.2.2, p.22). These merely are the most "visible" and therefore easily citable metrics; this, however, does not equate to their priority above the other 64 metrics.

Thank you for the opportunity to comment on this important matter.