



August 26th, 2013

Comments by .quebec : RPMs must protect rights, not abuse or chaos

The .quebec gTLD project is the result on the a unanimous vote of the National Assembly of the Province of Québec for the creation of the .QUEBEC TLD. As such, it is not only backed by the local community, but also integrated in governance framework. The .QUEBEC gTLD application describes strong and credible rights protection mechanisms.

Unfortunately, ICANN's current draft of rights protection mechanism would diminish rather than enhance the protection of trademark and other legitimate rights. In particular the requirement to channel all sunrise registrations through the TMCH would disrupt the planned launch mechanism and encourage misuse.

The prohibition of assigning domain names ahead of the sunrise is incomprehensible. As a geographically oriented TLD, .QUEBEC must pre-assign domain names on the basis of a well-designed plan, with careful balancing of all rights involved. A start based on the TMCH-only sunrise would be too chaotic. It is clear that any pre-assignment must be performed in the public interest and in a way that prevents any trademark from being infringed, but also protects rights other than trademarks. The .QUEBEC registry, as a local actor supported by the local community and the local authorities, is able to do that correctly.

The RPM requirements must be redrafted to ensure that the TMCH is of help to rights holders. The first step in the right direction is to avoid giving the TMCH tasks it is unable to handle.

Could you imagine that :

-QUEBEC a soap manufacture firm in France would have priority on the Government of Québec (pop. 8,054,756) for the domain name quebec.quebec

-MONTREAL a international trademark since 1970 owned by a car manufacturing firm in Italy would have priority on the city of Montréal (pop. 3,824,221) concerning the domain name montreal.quebec

-LAVAL a plumbing manufacturer in France owning a international trademark could have priority on the city of LAVAL (pop. 401,553) second largest city in Québec for the name laval.quebec

-SUTTON a real estate firm would have priority on the city of Sutton (pop. 3,906) in Québec for the domain name sutton.quebec

Using the TMCH must be an option for each trademark holder wishing to participate in the sunrise, not a requirement. The registry must be allowed to offer alternative avenues.

The TMCH Sunrise and has reason to be the first domain assignment phase. The registry must be able to make public interest assignments BEFORE that phase, having of course the responsibility of preventing trademark infringement when doing so.

A handwritten signature in black ink, appearing to read 'Normand Fortier', with a stylized flourish at the end.

Normand Fortier  
President  
PointQuébec Inc.