

August 27, 2013

## Comment on Rights Protection Mechanism Requirements

United TLD thanks ICANN for the opportunity to comment on the Rights Protection Mechanism (RPM) requirements. Members of United TLD have worked with community stakeholders on the development of both the technical and operational requirements for implementation of Sunrise and Trademark Claims services and believe our comments reflect that experience and offer a balanced view. We agree that minimum requirements must be set to provide protection for those with verified legal rights, but there must also be flexibility. Registry Operators must be allowed to implement those requirements according to their individual business models, which we expect to be as innovative as the new gTLD program is itself.

**Section 2.1.1** - We feel that one of the overarching goals is to provide the maximum notice to rights holders with predictable information so they can be made aware of the process and corresponding dates, and allow them to execute their plans as soon as possible. We propose to adjust the current 30-day notice in advance of the 30-day sunrise period to a 60-day sunrise period, with the understanding that names may not be allocated until 30 days after the notice is submitted. The combination of the notice and Sunrise periods maintains the respective times, but allows Registries the flexibility to offer a longer period for rights holders to submit names for qualified Sunrise registrations.

**Section 2.1.4** – The current language states that a registry Operator **MUST NOT** submit TLD startup information to ICANN prior to delegation. We propose that ICANN allow the announcement of Sunrise and startup information once the Registry Operator begins the IANA transition to delegation. This extra time would allow for further dissemination of startup information, giving rights holders additional time to decide on their plan in relation to that TLD.

**Schedule of Reserved Names** – In Specification 5, Section 3.2, of the Registry Agreement, ICANN allows for the activation of up to 100 names necessary for the operation or promotion of the TLD. The Registry Operator at its discretion may also release any number of these names for registration to another person or entity. We propose that the Registry have the flexibility under a Qualified Registry Launch Program, to allocate these names to a third party or entity in advance of the Sunrise period. If a Registry Operator opts to participate in such a program, the names allocated in this program would be transmitted to the TMCH in the format described in the TMCH Functional Specification Section 6.3 LORDN File (<http://tools.ietf.org/html/draft-lozano-tmch-func-spec-06>) . Through this process, these names would still be subject to the applicable Trademark Claims process, therefore not diminishing the legal rights of others.

We hope ICANN will consider these proposals and move them forward to adoption which will enable registries to prepare for launch following conclusion of the contracting and pre-delegation testing processes.

Sincerely,

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