



Introduction

MarkMonitor welcomes the opportunity to reply to comments on ICANN's Revisions to Rights Protection Mechanism (RPM) Requirements.¹ In response to questions concerning MarkMonitor's previous comments², and comments filed by other community stakeholders, we offer the following.

Comments

Proposal on notice of Sunrise period

MarkMonitor maintains that a mandatory 30-day notice period before Sunrise period begins is an important tool to facilitate awareness and enable effective participation of trademark owners in the new gTLD registration process. This requirement was an important part of the Trademark Clearinghouse: Strawman Solution, which was supported by MarkMonitor³.

Some proposed Registry Operators, however, have stated that they prefer to run a 60-day Sunrise period, in which they accept registration for all 60 days, and provide no notice prior to this period beginning⁴. MarkMonitor accepts that a 60-day registration period is preferable for brand owners, but vastly prefers that the 60-day period follows a 30-day notice period. In the event that Registry Operators are unwilling to provide 30-day notice on top of an extended 60-day Sunrise period, we can support a zero notice, 60-day Sunrise if the following safeguards are assured:

- No names are allocated until the end of the 60-day Sunrise period.
- All identical requests for second-level domain names are placed in contention on equal grounds for resolution through the Registry specific SDRP.
- Timing of requests for Sunrise registration will play no role in deciding the outcome of SDRPs.
- Trademarks which have been entered into or validated by the Clearinghouse after the start of the 60-day Sunrise period are not prejudiced in any way.

¹ Revisions to Rights Protection Mechanism (RPM) Requirements, August 6, 2013, at <http://www.icann.org/en/news/public-comment/rpm-requirements-06aug13-en.htm>.

² Comments of MarkMonitor, August 22, 2013, at <http://forum.icann.org/lists/comments-rpm-requirements-06aug13/msg00001.html>.

³ Trademark Clearinghouse: Strawman Solution, Updated December 3, 2013, at <http://www.icann.org/en/news/public-comment/tmch-strawman-30nov12-en.htm>.

⁴ Donuts RPM Comments, August 27, 2013, at <http://forum.icann.org/lists/comments-rpm-requirements-06aug13/msg00030.html>.

Proposal for exemption procedure

MarkMonitor understands and appreciates the concerns outlined by some GeoTLDs in their comments⁵, regarding allocation of second-level domain names to government authorities. MarkMonitor can support a specific exemption procedure for emergency services, and government offices (as non-prohibitive examples), but cannot accept a blanket priority registration period before Sunrise, without a narrowly tailored set of criteria to define what can be registered during this time.

It seems to us that the needs of cities and other geographic regions can be served with clearly defined registration policies, applicable to everyone at all stages of the registration process, which would give superior rights to certain second-level names without the need to implement a broad exception procedure that could lead to abusive practices.

About MarkMonitor

MarkMonitor, the world leader in enterprise brand protection and a Thomson Reuters Intellectual Property & Science business, uses a SaaS delivery model to provide advanced technology and expertise that protects the revenues and reputations of the world's leading brands. In the digital world, brands face new risks due to the web's anonymity, global reach and shifting consumption patterns for digital content, goods and services. Customers choose MarkMonitor for its unique combination of industry-leading expertise, advanced technology and extensive industry relationships to preserve their marketing investments, revenues and customer trust. Learn more at www.markmonitor.com.

Respectfully Submitted,

Kiran Malancharuvil
Internet Policy Counselor
MarkMonitor, Part of Thomson Reuters

⁵ See e.g., [GeoTLDs] Comment on RPM Requirements, August 27, 2013, at <http://forum.icann.org/lists/comments-rpm-requirements-06aug13/msg00010.html>, and Comments of Thomas Lowenhaupt on Rights Protection and the Needs of Cities, August 27, 2013, at <http://forum.icann.org/lists/comments-rpm-requirements-06aug13/msg00028.html>.