

Introduction

MarkMonitor welcomes the opportunity to comment on ICANN's Revisions to Rights Protection Mechanism (RPM) Requirements.¹ While we recognize the importance of flexibility and support for certain business objectives of new gTLD Registries, MarkMonitor encourages ICANN to ensure that these business objectives are not achieved at the expense of intellectual property rights holders.

Comments

Proposal on notice of sunrise period

MarkMonitor does not support the adjustment of the current requirement for 30 day notice in advance of sunrise to 60 day notice from the end of sunrise period. This adjustment has the potential to eliminate the ability of rights owners to register marks in the Trademark Clearinghouse in advance of sunrise, thereby opening up the possibility of creating advantages to partners of ROs over other rights holders.

Proposal for allocation of 100 names

MarkMonitor notes with concern the proposed language of Section 2.2.5, which allows Registry Operators (ROs) to register up to one hundred (100) names to third parties prior to or during the Sunrise Period in connection with a registry launch and promotion program for the TLD.

MarkMonitor believes that allowing ROs to register names to third parties prior to Sunrise has significant potential to contravene the primary purpose of Sunrise Registration, which allows trademark owners a chance to secure their protected string in a new TLD, for defensive or affirmative use. Any attempted registration of a string that may match entry in the Trademark Clearinghouse should take place, at the earliest, during the Sunrise Period, and should be subject to Sunrise Dispute Resolution where matches occur. Sending a Trademark Clearinghouse Claims Notice is inadequate in this instance. No third party, legitimate or otherwise, should have priority registration rights over validated entries in the Trademark Clearinghouse.

Proposal for exemption procedure

For the same reasons stated above, MarkMonitor expresses concern that TLD-specific startup plans which may offer priority periods before or concurrent with Sunrise period for geographic, community or other strings. Again, no third party should have priority registration rights over validated entries in the Trademark Clearinghouse, regardless of the business objectives of the RO.

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>

We encourage ICANN to ensure that rights owners are protected in the manner that was contemplated by the intellectual property and business communities when the Rights Protection Mechanisms were included and implemented in the Applicant Guidebook. Any changes at this stage, which demotes the priority of trademark owners, is inappropriate.

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,

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