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VIA Electronic Mail: [comments-rpm-requirements-06aug13@icann.org](mailto:comments-rpm-requirements-06aug13@icann.org)

Karen Lentz, Operations & Policy Research Director  
Internet Corporation for Assigned Names and Numbers  
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RE: Proposed Revisions to Rights Protection Mechanism Requirements

Dear Ms. Lentz:

The American Insurance Association (AIA) appreciates the opportunity to provide comments on the proposed revisions to the Draft Rights Protection Mechanism Requirements. AIA is the leading property-casualty insurance trade organization, representing approximately 300 insurers that write nearly \$100 billion in premiums each year. Our members offer a variety of property-casualty insurance, including personal and commercial auto insurance, commercial property and liability coverage for businesses, homeowners' insurance, workers compensation, product liability insurance, and medical malpractice coverage.

We would like to express concern with proposed revisions to the Rights Protection Mechanism Requirements that could allow for circumvention of the mandatory trademark protections through "reservation" of domain names by Registry Operators and subsequent release of such "reserved" names and through use of specialized registration periods.

Section 2.4.3 of the Draft Rights Protection Mechanism Requirements addresses Registry Operators' ability to reserve domain names pursuant to Section 2.6 of the Registry Agreement and Specification 5 of the Registry Agreement. Sections 3.2 and 3.3 of Specification 5 allow Registry Operators to reserve up to 100 domain names "necessary for the operation or the promotion of the TLD." As such any reserved name that is permitted to be held by a Registry operator must be used solely for purposes

necessary for operation of the registry and not purely for the commercial purposes of parties other than the Registry Operator.

As currently proposed, Section 2.4.3 of the Draft Rights Protection Mechanism Requirements could permit Registry Operators to circumvent mandatory Sunrise Periods by simply reserving a domain name and subsequently making the domain name available for release after the conclusion of the Sunrise Period. AIA believes that such a potential circumvention of the Sunrise Period was not intended by ICANN and therefore the Draft Rights Protection Mechanism Requirements should be revised to clarify the interplay between Specification 5, Section 3, of the Registry Agreement and the mandatory rights protection mechanisms. Specifically, Section 2.4.3 should be revised to clarify that any and all domain names that will be released by a Registry Operator must be subject to **all** Rights Protection Mechanisms—not just the Claims Services. Before release or allocation of **any** domain names, whether or not initially reserved pursuant to Specification 5, Section 3, the domain names should be checked against the Trademark Clearinghouse (TMCH) database and should be subject to a Sunrise Period for Sunrise-Eligible Rights Holders and a Claims Period. There is no reason that different rules should be established for the 100 reserved names and ICANN should make clear that Section 3 of Specification 5 cannot be used to circumvent the Rights Protection Mechanism Requirements.

Finally, AIA notes that there is a potential contradiction between Sections 2.2.1, 2.2.4 and 3.2.4 of the Draft Rights Protection Mechanism Requirements regarding the possibility of concurrent Sunrise Periods and Limited Registration Periods. Section 2.2 appropriately addresses the operation of a Sunrise Period for Sunrise-Eligible Rights Holders prior to any other registration period. The new suggestion in Section 3.2.4 that a Limited Registration Period may overlap with a Sunrise Period should be removed or revised to confirm that all Sunrise registrations from Sunrise-Eligible Rights Holders will “trump” any registrations submitted to the Registry Operator during any registration period running concurrently with the Sunrise Period.

Thank you for your consideration of these comments. AIA appreciates the opportunity and is available to answer any questions.

Respectfully,



Angela Gleason  
Associate Counsel