



FÉDÉRATION INTERNATIONALE DES CONSEILS
EN PROPRIÉTÉ INTELLECTUELLE

INTERNATIONAL FEDERATION OF
INTELLECTUAL PROPERTY ATTORNEYS

INTERNATIONALE FÖDERATION
VON PATENTANWÄLTEN

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Policy Development Process Working Group
ICANN

Via email comments-transliteration-contact-initial-16dec14@icann.org

RE \\
FICPI Comments on the GNSO Translation and Transliteration of Contact
Information Policy Development Process (PDP)
Recommendations for Board Consideration

Dear Sirs,

FICPI, the International Federation of Intellectual Property Attorneys, broadly representative of the free profession of more than 80 countries/regions world-wide, herewith gratefully accepts the opportunity to submit further comments on the Initial Report.

The attached comments are respectfully submitted.

Yours faithfully,

Roberto Pistolessi
Secretary General

Enc.



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FICPI Comments on the GNSO Translation and Transliteration of Contact Information Policy Development Process (PDP)

Recommendations for Board Consideration

FICPI, the Fédération Internationale Des Conseils En Propriété Intellectuelle (International Federation of Intellectual Property Attorneys), herewith gratefully accepts the opportunity to comment on the GNSO Translation and Transliteration of Contact Information Policy Development Process (PDP) Recommendations for Board Consideration.

Founded over 100 years ago, **FICPI** represents IP attorneys in private practice internationally with almost 5,500 members in 86 countries and regions, including all major countries. **FICPI** has strong US and European memberships and has recent and growing sections in India and China. **FICPI** aims to enhance international cooperation amongst IP attorneys, study reforms and improvements to IP treaties and conventions with a view to facilitating the exercise by inventors of their rights, increasing their security and simplifying procedures and formalities, and promote the training and continuing education of its members and others interested in IP.

Initially, we refer to our 9 April 2014 Comments on the Translation and Transliteration of Contact Information PDP Working Group Questionnaire, as well as to our 29 January 2015 Comments on the Working Groups Initial Report.

Here are our comments on the GNSO Recommendations:

Recommendation #1:

The Working Group recommends that it is not desirable to make transformation of contact information mandatory. Any parties requiring transformation are free to do so on an *ad hoc* basis outside Whois or any replacement system, such as the Registration Data Access Protocol (RDAP). If not undertaken voluntarily by registrar/registry (see Recommendation #5), the burden of transformation lies with the requesting party.

FICPI:

FICPI notes that there is a minority view with regard to Recommendation #1, recommending mandatory translation and/or transliteration (transformation) of contact information in all generic top-level domains (gTLDs).

FICPI strongly supports this minority view.

Our arguments on the importance of mandatory transformation have been presented in our previous comments, but of course remain as facts that need to be taken into consideration:

- mandatory transformation of all contact information into a single script would allow for a transparent, accessible and easily searchable database,
- without proper translation/transliteration of contact information, the contact information record system (currently WHOIS) might lose its clarity,



- the proposal for a next generation gTLD Directory Service has a number of examples of the importance of globally readable contact information, and especially refers to The Translation and Transliteration of Contact Information Policy Development Process (PDP) Working Group to find a solution,
- mandatory transformation of contact information will avoid unnecessary legal actions, because the registered domain name holder can quickly, easily and cost effectively be properly identified and/or contacted,
- transformation would to some extent facilitate communication among stakeholders not sharing the same language; good communication inspires confidence in the Internet and makes bad practice more difficult,
- mandatory transformation of contact information must be used in respect of all generic top-level domains.

Recommendation #2:

Whilst noting that a Whois replacement system should be capable of receiving input in the form of non-ASCII script contact information, the Working Group recommends its data fields be stored and displayed in a way that allows for easy identification of what the different data entries represent and what language(s)/script(s) have been used by the registered name holder.

FICPI:

FICPI strongly supports this recommendation. It is important that even the usual Internet user can easily and clearly identify the Whois data both in the original local language as well as in an English translation together with information on the scripts used.

Recommendation #3:

The Working Group recommends that the language(s) and script(s) supported for registrants to submit their contact information data may be chosen in accordance with gTLD-provider business models.

FICPI:

As long as it is fully clear for the ordinary Internet user which system is used, **FICPI** can accept this recommendation.

Recommendation #4:

The Working Group recommends that, regardless of the language(s)/script(s) used, it is assured that the data fields are consistent to standards in the Registrar Accreditation Agreement (RAA), relevant L Policy, Additional Whois Information Policy (AWIP) and any other applicable policies. Entered contact information data are validated, in accordance with the aforementioned Policies and Agreements and the language/script used must be easily identifiable.



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FICPI:

FICPI strongly supports this Recommendation.

Recommendation #5:

The Working Group recommends that if the transformation of contact information is performed, and if the Whois replacement system is capable of displaying more than one data set per registered name holder entry, these data should be presented as additional fields (in addition to the authoritative local script fields provided by the registrant) and that these fields be marked as transformed and their source(s) indicated.

FICPI:

Apart from that **FICPI** wants to rephrase this Recommendation as: *“The Working Group recommends that as the transformation of contact information is performed, and as the Whois replacement system is capable of displaying more than one data set per registered name holder entry, these data shall be presented as additional fields (in addition to the authoritative local script fields provided by the registrant) and that these fields be marked as transformed and their source(s) indicated”*.

However, whether or not rephrased as above, **FICPI** supports this recommendation.

Recommendation #6:

The Working Group recommends that any Whois replacement system, for example RDAP, remains flexible so that contact information in new scripts/languages can be added and expand its linguistic/script capacity for receiving, storing and displaying contact information data.

FICPI:

FICPI strongly supports this Recommendation, as it is important that any new scripts/languages can be safely and quickly added to the system.

Recommendation #7:

The Working Group recommends that these recommendations are coordinated with other Whois modifications where necessary and are implemented and/or applied as soon as a Whois replacement system that can receive, store and display non-ASCII characters, becomes operational.

FICPI:

FICPI supports this recommendation. As said before, it is important that the system can come into force without any further delay, but also thereby in coordination with other Whois modifications to make it sure that the system works for a decent time without having to be reconsidered periodically too often.



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Additional comments:

FICPI notes that, while the arguments supporting mandatory transformation are based on legal and “easy-to-search-for” arguments, the arguments opposing mandatory transformation only focus on the costs and refer to difficulties related to the great number of new domain names with contact information in non-Latin script.

FICPI cannot support any conclusions indicating that when a market grows quickly and internationally, Internet users must accept that traditional clear and globally searchable contact information cannot be maintained.

To the contrary, it is **FICPI**’s clear opinion that the increasing internationalisation of Internet, besides creating new business opportunities for domain name holders, induces responsibilities for registrants, registries and registrars to maintain reliable and internationally readable WHOIS information.

It is the responsibility of ICANN to create a system of mandatory transformation that is safe, clear and without substantial increasing of the costs for the normal user and registrant. **FICPI** notes from the Working Groups work that one partial solution could be for ICANN to designate each country’s Governmental Advisory Committee member to coordinate locally to standardize the conversion from local language to English for each country.

IMPORTANT NOTE:

The views set forth in this paper have been provisionally approved by the Bureau of **FICPI** and are subject to final approval by the Executive Committee (ExCo). The content of the paper may therefore change following review by the ExCo.

The International Federation of Intellectual Property Attorneys (**FICPI**) is the global representative body for intellectual property attorneys in private practice. **FICPI**’s opinions are based on its members’ experiences with a great diversity of clients having a wide range of different levels of knowledge, experience and business needs of the IP system.

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The Australian Federation of Intellectual Property Attorneys, **FICPI** Canada, Association of Danish Intellectual Property Attorneys (ADIPA), Suomen Patenttiasiamiesyhdistys ry, Association de Conseils en Propriété Industrielle (ACPI), Patentanwaltskammer, Collegio Italiano dei Consulenti in Proprietà Industriale, Japanese Association of **FICPI**, Norske Patentingeniørers Forening (NPF), Associação Portuguesa dos Consultores em Propriedade Industrial (ACPI), F.I.C.P.I South Africa, the International Federation of Intellectual Property Attorneys – Swedish Association, Verband Schweizerischer Patent und Markenanwälte (VSP) and the British Association of the International Federation of Intellectual Property Attorneys are members of **FICPI**.

FICPI has national sections in Argentina, Austria, Belgium, Brazil, Chile, China, Colombia, Czech Republic, Greece, Hungary, India, Ireland, Israel, Mexico, Netherlands, New Zealand, Peru, Singapore, South Korea, Spain and the United States of America, and individual members in a further 48 countries.

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