

## **Timeline and Public Comment Concerns**

The first comments on the Draft IRT report have been lodged and indicate that the timeline given for public response is inadequate. The report and earlier communications sought to convey several important points regarding the purpose and timing of the IRT work and it is worthwhile to reiterate those points here given the state of the report and the comments.

The IRT was created in accordance with an ICANN Board resolution to facilitate the generation of candidate solutions to trademark issues that may arise as new gTLDs are delegated. The Board established an aggressive timeline in order to generate proposals for discussion at the Sydney meeting.

Those following this process and wishing to comment within the published timelines should know:

- The opportunity to comment on Trademark and other overarching issues regarding the new gTLD program extends beyond the 6 May IRT deadline. ICANN has established the page for comment on overarching issues ([https://st.icann.org/new-gtld-overarching-issues/index.cgi?trademark\\_protection](https://st.icann.org/new-gtld-overarching-issues/index.cgi?trademark_protection)) that will remain open. Comments made on or before 6 May will be considered by the IRT in drafting their product. Proposals made after that time will be considered alongside the IRT recommendations as solutions are proposed in the next version of the Guidebook.
- The idea of the IRT was to create a body of IP representatives (not the whole community): the Board requested the Intellectual Property Constituency (in consultation with staff) to convene an Implementation Recommendation Team comprised of an internationally diverse group of persons with knowledge, expertise, and experience in the fields of trademark, consumer protection, or competition law, and the interplay of trademarks and the domain name system to develop and propose solutions to the overarching issue of trademark protection in connection with the introduction of new gTLDs..

The formation of the IRT does not preclude other contributions. Any member or set of community members, including other representatives of the IP community, is also welcome to include independent recommendations to be considered by the Board.

- The Board established the 24 April deadline for the initial draft giving very little time for a first draft to be created. Therefore, there was no opportunity then for expanding the comment period by publishing the report earlier.

- There is also little opportunity for extending the IRT comment period as the 24 May Board deadline for the final report requires that comment be received at least some time before that date in order to provide sufficient time for due consideration. The 6 May was set as the deadline for receiving comments for consideration in the IRT redraft because some lead-time is required to read and adequately consider the comments and do the drafting.
- While it is clear that the Board did not intend there to be a full comment period between these drafts, the IRT published the draft reports (as they do with meeting notes) in order to maintain transparency and offer some opportunity for response to the work done to date.

To summarize, the 6 May IRT deadline is constrained by reporting deadlines set in the Board resolution and so cannot be extended, however, that deadline does not preclude comments made after that date from consideration for inclusion into the new gTLD process. The overarching issues page was created to encourage comments in parallel with the IRT process.

Interested parties are encouraged to submit comments for consideration before 24 May. The trademark issue will be discussed at the ICANN Sydney meeting as well and community participation is strongly encouraged and much welcome.