

Your Ref: ICANN - JIG Single Character IDN TLDs

Quote in reply: TIPS:21000332.38

16 September 2010

ICANN
JIG Working Group
GPO Box 5104
Sydney NSW 2001

By email: bart.boswinkel@icann.org

Dear Mr Boswinkel

RESPONSE TO COMMENTS ON EARLIER SUBMISSIONS FOCUSSED ON DAG4

Thank you for your feedback yesterday. We again appreciate the opportunity to provide our submissions in relation to these issues.

This response has been prepared with the assistance of the Technology and Intellectual Property Sub-Committee (TIPS).

As you correctly point out, our recent submission focuses upon issues to do with DAG4. This is because it appears (at least at this stage) that it will be the relevant procedures set out in DAG4 which will be used to administer the application and dispute resolution process in relation to IDN TLDs, single character or otherwise.

The JIG's report in relation to single character IDN TLDs correctly notes that it will be a relatively small pool of possible combinations. However, our concern is less about the single characters (or combined graphemes) themselves and more about the potential for confusion when they are used in combination with domains applied for under those gTLDs.

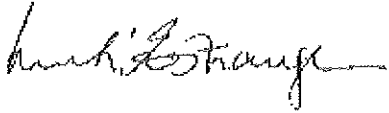
As set out in our earlier submission, the Society's concern is that the proposals set out in DAG4 do not adequately ensure the protection of the rights of intellectual property and other rights holders from undue erosion or abuse, and this is especially the case with IDNs where, for example, the IDN TLDs themselves have a meaning in the relevant official language which matches a registered trade mark.

We are concerned that there is significant potential for:

1. intellectual property rights to be diluted or eroded by allowing IDN TLDs, either by themselves or in combination with what will be an almost limitless set of prefixes, to be registered in circumstances where the only practical recourse may well be to follow the complaint procedures set out in DAG4;
2. for the reasons set out in our earlier submission, consumers, businesses and rights-owners to be misled by a number of aspects of the proposed procedures; and
3. therefore, a significant loss of faith and confidence in the DNS moving forwards.

It is our submission accordingly that further consideration of these issues (again including the procedures set out in DAG4) is necessary and that ICANN will continue to seek the right balance of all relevant interests without compromising the valuable intellectual property rights of relevant stakeholders.

Yours faithfully



Noela L'Estrange
Chief Executive Officer