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RE: Comments of RE/MAX, LLC on the **“Preliminary GNSO Issue Report on The Current State of the Uniform Dispute Resolution Policy”**

RE/MAX, LLC (“RE/MAX”) is pleased to respond to the request for comments on the May 27, 2011 “Preliminary GNSO Issue Report on The Current State of the Uniform Dispute Resolution Policy,” available at <http://gns0.icann.org/issues/prelim-report-current-state-udrp-27may11-en.pdf>.

About RE/MAX

RE/MAX, LLC is the owner of the famous “RE/MAX” trademark and the RE/MAX balloon design. Based in Denver, Colorado, RE/MAX, LLC franchises a network of more than 6,000 real estate brokerages, with nearly 90,000 affiliated real estate agents in more than 80 countries. No one in the world sells more real estate than RE/MAX.

RE/MAX agrees that ICANN should not re-open the UDRP for debate by initiating a Policy Development Process.

RE/MAX supports the ICANN staff recommendation “against initiating a PDP on the UDRP at this time.” The Uniform Domain Name Dispute Resolution Policy (UDRP) is surely not permanently foreclosed from review. Nevertheless, it is particularly critical that the UDRP remain a constant at the present time. We anticipate increased use of the UDRP with the launch of new gTLD registries. Further, its interrelation with, and the effectiveness of, the Uniform Rapid Suspension (URS) system and other rights protection mechanisms in new gTLD registries is not yet clear. The URS was originally intended as a more scalable complement to the UDRP, offering a more streamlined, significantly lower-cost approach, but where the remedy was limited to suspension of the domain. But because the final version of the URS added the higher burden of proof, and the labor- and analysis-intensive requirement that panelists determine whether the trademark is in use, it remains an open question whether dispute resolution providers can administer and adjudicate URS proceedings for the desired \$300 filing fee; none have indicated that they can do so to date. Moreover, there will continue to be a critical need for the UDRP in cases where transfer of the domain is desired (particularly because ICANN did not heed suggestions to make the suspension available under the URS indefinite). With all of the intense preparations surrounding the launch of new gTLDs, it may also be that the ICANN community lacks the ‘bandwidth’ at the present time to consider a UDRP review adequately. Therefore, it is critical that the UDRP remain a constant, and that ICANN not stir up calm waters by initiating a PDP.

When we have the benefit of a couple of years of experience in the practical operation of the URS, it may be appropriate to review and harmonize the two procedures, in conjunction with applying the URS to all gTLD registries.

Very truly yours,

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Senior Counsel

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