

**INTA Internet Committee Comments on the  
Proposed Changes to Enhance ICANN's Registrar Accreditation Evaluation Process  
January 21, 2011**

The Internet Committee of the International Trademark Association (INTA) welcomes the opportunity to provide its views and is pleased that ICANN is proposing to change the registrar accreditation process. The specific changes set forth in the Draft Terms and Conditions offer the potential to help protect brand owners and the public at large by setting stricter requirements for the accreditation of registrars by ICANN. However, we believe the following recommendations should be adopted to ensure these objectives can be met through the enhanced accreditation process:

We recommend three amendments to the Registrar Accreditation Application:

1. Amend question 19 to include a reference to the Applicant itself. “For the Applicant and every person or entity mentioned. . . . . “
2. Add a new subparagraph (e) to question 19: “within the past ten years, has been (i) a defendant in litigation involving claims of intellectual property infringement and/or cybersquatting; or (ii) a respondent in a proceeding under the UDRP (or analogous ccTLD policy).
3. Change the last sentence of question 19 to read: “If any of the above events in (a)-(e) have occurred, please provide details.”

Amending question 19 to encompass the Applicant itself fills a presumably unintended gap in the application. Adding the recommended subparagraph (e) will enable ICANN to determine if the prospective registrar may be a serial infringer of intellectual property rights or a cybersquatter. It is

important that ICANN not allow entities that have been found to have engaged in intellectual property violations or cybersquatting to gain the special access to the DNS that registrars, by definition, have.

ICANN should also expand its due diligence efforts to include search records of civil and administrative proceedings to assess whether the Applicant's attestation of truthful disclosure was, in fact, true and accurate. The abundance of online databases through which such searches can be conducted facilitates ICANN's ability to conduct this due diligence without incurring significant additional burdens.

We also propose that ICANN add the following sentence to section 1 on disclosure in the Terms and Conditions: "The Applicant agrees to fully cooperate with ICANN during the time period when the application is being reviewed by ICANN and to provide ICANN with access to documents and records that are relevant to the accreditation process within seventy two (72) hours of ICANN's request for such documents." This additional term requires that prospective registrars cooperate with ICANN during the process and to surrender documents and records that could be material to whether or not a particular Applicant is suitable to be a registrar. We believe that an affirmative obligation on the part of the prospective registrar would enhance the integrity of the process and ensure that better quality registrars are accepted.

Thank you for considering our views on these important issues. Should you have any questions regarding our submission, please contact INTA External Relations Manager, Claudio Digangi at: [cdigangi@inta.org](mailto:cdigangi@inta.org)

## **About INTA & The Internet Committee**

The International Trademark Association (INTA) is a 132-year-old not-for-profit association of more than 5,700 member organizations from over 190 countries. One of INTA's key goals is the promotion and protection of trademarks as a primary means for consumers to make informed choices regarding the products and services they purchase. During the last decade, INTA has served as a leading voice for trademark owners in the development of cyberspace, including as a founding member of ICANN's Intellectual Property Constituency (IPC).

INTA's Internet Committee is a group of over two hundred trademark owners and professionals from around the world charged with evaluating treaties, laws, regulations and procedures relating to domain name assignment, use of trademarks on the Internet, and unfair competition on the Internet, whose mission is to advance the balanced protection of trademarks on the Internet.

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