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## **New gTLD Program – Report on Special Trademark Issues**

Dear Sir / Madam,

We are writing to you on behalf of UBS AG, one of the largest financial institutions in the world.

As we wrote in our letter of December 3 concerning the new gTLD program, it is possible that there will be thousands of new gTLDs created, meaning it is likely that brand abuse, such as cybersquatting, will grow exponentially. We therefore believe that ICANN needs to ensure the new program protects brand holders rights while minimizing costs.

We were therefore disappointed to see that the report on Special Trademark Issues Report (STI) has weakened brand holder protections to the extent that there is, at best, minimal protection for brand holders.

### **Trademark Clearinghouse and Globally Protected Marks List**

Under the proposal in the STI, the Trademark Clearinghouse (TMC) is no longer a Rights Protection Mechanism but is, rather, simply a database for Sunrise Periods. That is, it only applies to Sunrise Periods or pre-launch claims. As the majority of cybersquatters are likely to apply post-launch, we believe that the TMC provisions also need to cover post-launch registrations.

With the current narrow recommendation for the TMC, together with the removal of the proposed Globally Protected Marks List, there is no longer an effective deterrent to brand abuse such as cybersquatting.

It is also likely that, rather than reducing costs, the STI proposal will increase costs for brand holders as they will face increased defensive registrations as well as more enforcement and monitoring costs. In addition to these costs, the TMC currently requires that trademark holders pay an annual fee.

### **Uniform Rapid Suspension**

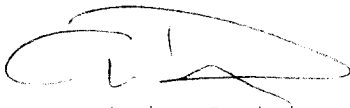
We are concerned that the Uniform Rapid Suspension (URS) proposal will not provide a cheaper or faster solution than filing a UDRP. Not only does the URS require a "much higher burden of proof", but a successful URS claim would not result in the transfer of a domain name to the complainant even though a successful Complainant has to bear the costs of filing a URS.

Brand abuse such as cybersquatting and Phishing dilutes the rights of trademark holders and reduces consumers' confidence in the reliability of the Internet. To address these risks, we believe there needs to be a stronger Rights Protection Mechanism than that proposed in the STI.

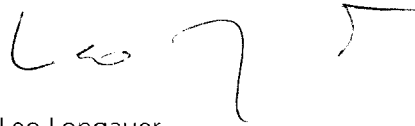
We strongly urge ICANN to take the time to adequately address these concerns and thank you for the opportunity to provide these comments.

Yours sincerely

UBS AG

A handwritten signature in black ink, appearing to read 'AD', with a large, sweeping underline.

Andrew Denholm  
Director

A handwritten signature in black ink, appearing to read 'Leo', with a long, sweeping underline and a small mark to the right.

Leo Longauer  
Executive Director