



Comments on the Revised Proposal for the Trademark Clearinghouse

The Coalition Against Domain Name Abuse (CADNA) is grateful for the opportunity to provide comments on the revised proposal for the Trademark Clearinghouse for new gTLDs.

To begin with, CADNA would like to express its appreciation of the work of the IRT as well as the STI's efforts to address various issues raised in prior public comments in this revision to the TM Clearinghouse proposal.

One major addition that appears in this revised version of the proposal is that in addition to court-validated marks, registries must choose to recognize either all nationally or multi-nationally registered trademarks, or nationally and multi-nationally registered AND validated trademarks in the TM Clearinghouse database.

CADNA is of the opinion that this is not the place to discuss what registries should or should not recognize; instead the development of the Trademark Clearinghouse should be focused on creating a resource. The Trademark Clearinghouse is not a rights protection mechanism in itself, but rather a repository of IP information that can be used for the rights protection mechanisms that are developed; as such a resource, it should accept as broad a range of IP rights as possible. Simply requiring the TM Clearinghouse to recognize all nationally and multi-nationally registered trademarks that have been reviewed will cover a greater number of trademarks across the board and would provide the broadest possible services for rights protection mechanisms to draw from.

CADNA also believes that the TM Clearinghouse should be paid for by stakeholders that benefit from the resource; however, it should be clear that while the current proposal requires the cost of the TM Clearinghouse to fall on brand owners, brand owners are not the only stakeholders that benefit from the resource. Furthermore, if brands are required to fund a TM Clearinghouse that only has very narrow protections, brands would still be forced supplement that protection by funding other mechanisms. This creates an undue burden on brand owners and renders the TM Clearinghouse largely ineffective.