

The International Anti-Counterfeiting Coalition (the "IACC") welcomes this opportunity to comment on the Draft Revised Proposal for a Trademark Clearinghouse ("Clearinghouse") as part of the proposed expansion of the Generic Top-Level Domain (gTLD) space.

The IACC is the world's oldest and largest organization representing exclusively the interests of companies concerned with trademark counterfeiting and copyright piracy. Our members consist of over 200 corporations, trade associations, and professional firms and represent total annual revenues of approximately \$750 billion. Our brand and copyright owner members represent a broad cross-section of industries, and include many of the world's best known companies in the apparel, automotive, consumer goods, entertainment, pharmaceutical, and other product sectors. The IACC is committed to working with government and industry partners in the United States and elsewhere, to strengthen IP protection by encouraging improvements in the law and the allocation of greater political priority and resources, as well as by raising awareness regarding the enormous—and growing—harm caused by IP violations.

The IACC proposes that the Clearinghouse should not be limited to trademarks or those that have been validated through a court of law or other judicial proceeding. Common law marks should also be included. The Clearinghouse should be free to accept a broad range of intellectual property rights, including common law trademarks that have not been "court-validated." Extending protection to common law marks that are substantively authenticated would streamline other rights protection mechanisms, such as the UDRP (and other domain name dispute resolution policies) and Uniform Rapid Suspension Policy, that allow claims for relief based on common law rights. At a minimum, registry operators should be permitted to include such marks in their rights protection mechanism, and, in order to do so, will need the data about those rights in the Clearinghouse.

In addition, the Clearinghouse should not be limited to "identical matches. As proposed, the limitation to "identical matches" provides little practical protection to brand owners as most examples of malicious conduct or cybersquatting involve a domain name consisting of a trademark plus a generic or descriptive term. To provide adequate protection, the IACC asserts that the Clearinghouse should include trademarks paired with a descriptive term. At a minimum, a match should include plurals of and domain names containing the exact trademark. Absent the ability to move beyond an exact match, brand owners will be faced with expensive enforcement actions and defensive domain name registration and consumers will undoubtedly continue to be misled all of which impacts the stability and security of the Internet.