



*Office of the Associate General Counsel,
Trademarks & Licensing
Intellectual Property Law*

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April 1, 2010

Internet Corporation for Assigned Names and Numbers
International Square
1875 I Street, NW, Suite 501
Washington D.C., 20006

Via electronic mail to : tm-clear-15feb10@icann.org

Attention: Karla Valente

Re: International Business Machines Comments on the Proposal for
Trademark Clearinghouse ("TM"), revised February 2010

International Business Machines ("IBM") appreciates the opportunity to submit comments to the Internet Corporation for Assigned Names and Numbers ("ICANN") on the published Proposal for Trademark Clearinghouse ("TC"), revised February 2010.

Further to IBM comments submitted on January 26, 2010 with respect to the Special Trademark Issues Review Team Recommendation, IBM submits the following.

IBM respectfully requests a clarification in section 4 with respect to the type of "text marks" included in the TC. IBM supports the proposition that the TC include not only "text marks" but also design marks that are primarily text based and have a de minimus design characteristic, for example, a fanciful or stylized treatment of the font, such as an irregular mix of capital and non-capital letters, and inclusion of non-letter symbols, such as +, \$, etc. Otherwise, the TC would unfairly preclude design marks clearly recognizable in plain text and easily appropriated by cyber squatters.

Further, IBM agrees that the TC database should report to registries domain names with very minor variations. IBM encourages the broadening of the definition of "Identical Match." The TC database should report all examples of typo-squatting and not only the examples delineated in the first paragraph of page 7.

Finally, while IBM agrees that the cost of ongoing operation of the TC should be

borne by the brand owners who utilize the database, IBM recommends that the cost of establishing the infrastructure of the TC should be borne by ICANN.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Leonora Hoicka".

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