



InterContinental Hotels Group



**Comments by InterContinental Hotels Group  
on the  
Proposal for Trademark Clearinghouse  
Revised – February 2010**

InterContinental Hotels Group, PLC (IHG) is pleased to take this opportunity to submit comments on the most recent version of the proposed Trademark Clearinghouse (TMC) anticipated to be operational before the future launch of new international gTLDs. IHG has followed these issues closely because of its significant exposure to online criminal activity through its seven popular and well-known brands. IHG owned or franchised properties include 4200 hotels across nearly 100 countries with 120,000 rooms and more than 160 million hotel stays per year.

IHG markets its brands extensively on-line and has had to deal with many incidents of cybersquatting, phishing and domain tasting. It has had to undertake numerous UDRPs, and though it has almost always prevailed, most often with no response from the registrant, the costs are significant.

Thus, it is IHG's firm belief that a viable and operative TMC must be in place prior to the new gTLD launch and must be empowered by a reasonable set of operating rules to block as much of the trademark copying as feasible prior to registration. It is for these reasons that IHG has provided earlier comments on this subject to the Implementation Recommendation Team (IRT) final report and to the Specific Trademark Issues (STI) Work Team recommendations.

In the February, 2010 TMC version noted above, IHG approves of the procedures identified that allow the TMC Service Provider and others to perform additional ancillary services for trademark holders beyond simply managing the database. It also concurs in the requirements of "adhering to rigorous standards" by the service providers.

Additionally IHG supports the licensing options (pg 5) offered to the trademark holder, specifically the ability to license the use of its data for "ancillary uses" reasonably related to the protection of trademarks in the new gTLD. However, it will be important for ICANN staff to further clarify how the licensee may perform these ancillary services in conjunction with the trademark holders rights and needs. Specifically, the "trademark notice" stipulates to the potential registrant that its proposed domain name has triggered the Trademark Watch system and that it "may or may not" be entitled to register the domain name based on whether it is the "same or significantly overlaps" with the trademark listed in the TMC.

A significant number of trademark violations by registrants who cybersquat or phish are done with minor variations on the trademark including slight misspellings or elimination of one or two letters or adding a word or location in addition to the trade name. If the Trade Mark Watch ancillary services can effectively use the above notice to deny the fraudulent utilization of the trade name before allowing the registration to resolve then the TMC will be performing a very welcome role as the new gTLD launch plays out.

As new gTLDs are initiated, it is critical that the current domain registration process be improved to address current security vulnerabilities to criminal activity. IHG agrees with recommendations from the law enforcement community including the US FBI and the UK Serious Organized Crime Agency. There needs to be stronger verification of registrants' name, address, phone number and email address and stronger checks on how domain names are paid. These measures are consistent with current practices in e-commerce transactions and have already been successfully implemented by some registrars and registries

We look forward to seeing these issues further clarified in the next revision of the Proposal for a Trademark Clearinghouse.

Respectfully Submitted,

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