



14 January 2013

Re: Valideus comments on ICANN's Trademark Clearinghouse: Strawman Solution

We have not undertaken to provide comments on the topic of whether and to what extent ICANN's present *Trademark Clearinghouse: Strawman Solution* involves policy, implementation, or something in between – this is a highly nuanced topic which merits a timely discussion on its own terms. For present purposes, we have accepted ICANN's view that the Strawman Solution is not inconsistent with GNSO policy advice concerning protection of the legal rights of others such as trademarks.

Please find below our comments on ICANN's Trademark Clearinghouse: Strawman Solution.

- **Sunrise Notice Period:** We would support a 30-day sunrise notice period. We also believe that it would also benefit all stakeholders if ICANN were to centrally coordinate this notice.
- **Trademark Claims:** We would support requiring Trademark Claims to operate for 90 days, or longer. We would also support those Claims including up to 50 previously-abused mark variations. (In the case of the latter, we note that such notice does not prevent new legitimate registrations which may correspond to previously-abused mark variations.)
- **Trademark "Claims 2" service:** While this service may have some initial appeal, we believe that a tool like Nominet's subscription-based Public Register Search Service (PRSS) could prove more useful over time.
- **Limited Preventative Registration:** We would support ICANN's implementation of a Limited Preventative Registration tool (which we note does not apply retroactively); we also believe the LPR can operate in tandem with sunrises, with priority to use-based sunrise applications.

We would also welcome more detail on LPR safeguards for bona fide third-party registrants; we believe that where a domain name is placed on an "LPR list", this should include a mechanism to allow for the "removal" of that domain name from the LPR list so that bona fide co-existing third-parties may seek registration of LPR-listed domain names.

Thank you for your consideration of the above suggestions; please do not hesitate to contact us if we can be of further assistance.

Yours sincerely,

/s/

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