

On behalf of the International Anti-Counterfeiting Coalition (IACC), we are pleased to provide comments on the Trademark Clearinghouse Strawman Solution (“TMCH Solution”). The IACC has been actively engaged in the ICANN processes, in part through its membership in the Intellectual Property Constituency and through the public comment process.

The IACC has repeatedly advocated strong rights protection mechanisms (RPMs) in connection with proposed new gTLDs. Throughout those comments, the IACC has advocated more robust measures than were ultimately adopted as part of the Applicant Guidebook and it welcomes ICANN’s request for comment on proposed improvements on the Trademark Clearinghouse via the TMCH Solution.

The challenges confronting intellectual property rights owners were bound to increase as a result of ICANN’s decision to move forward with new gTLDs. All, however, underestimated the scale of this new challenge given the sheer number of gTLD applicants. This simple fact demonstrates the need for more robust protections and more liberal timelines than were contemplated during the policy development process.

While the IACC recognizes that new rights protection mechanisms may require a more fully developed policy development process, the modest proposals outlined in the TMCH Solution clearly do not fall within this category. Insofar as they only contemplate an enlargement of deadlines and a secondary “fall-back” effectiveness for trademark claims, they fall within the scope of policy implementation which ICANN can address through less formal and more expeditious decision-making processes.

Indeed, “strawman” by definition means a “fabricated or conveniently weak or innocuous matter.”

The IACC recommends that this be only a first step by ICANN towards introducing more robust rights protection mechanisms in the DNS.