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mma

### Re. The strawman solution for rights protection mechanisms in the new gTLDs

We refer to the request for comments regarding the strawman solution for rights protection mechanisms in the new gTLDs.

We are pleased that ICANN is taking the concerns of trademark owners seriously and is working to improve the rights protection mechanisms in the new gTLDs. We believe that such improvements will be of value not only for trademark owners but also for consumers and potential registrants.

We therefore support the strawman solution in principle.

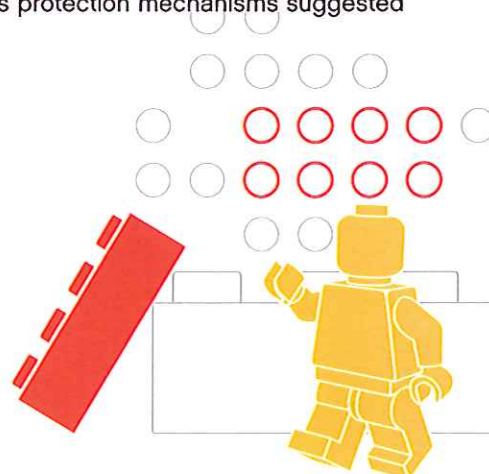
However, it is our opinion that the strawman solution could be further refined to provide better protection against illegal activities on the internet which would be of benefit to all internet users.

Specifically, it is our opinion that a Trademark Claims period of 90 days (with an option for extension for an additional period of time) is insufficient and we do not see the reasoning for this limitation in time. There is nothing that suggests that it is only relevant to inform registrants of a possible conflict between the domain name and a registered trademark for a limited period of time. The period of 90 days (or any other period that is calculated indiscriminately) is thus arbitrary. The Trademark Claims service should continue indefinitely as it will be of benefit to both trademark owners and registrants.

In this connection, it is also important to note that the fee for use of the Trademark Clearinghouse and thus of the Trademark Claims service should be reasonable and not prohibitively expensive.

As regards the proposal that a limited number of domain names (up to 50) that have previously been abusively registered or used can be added to the Trademark Clearinghouse, it seems that the limit on the number of allowed domain names have again been arbitrarily set to 50. We welcome the possibility of adding such abusively registered or used domain names to the Trademark Clearinghouse but this solution should be able to allow for all abusively registered or used domains names to be added.

We also welcome the proposal for a Limited Preventive Registration Mechanism. We have in all our previous comments to ICANN supported a blocking mechanism in order for trademark owners to prevent second-level registrations of their trademarks without having to do thousands of defensive registrations that are of no value. Such a blocking mechanism has not been included in any of the suggestions for rights protection mechanisms suggested





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by ICANN which has been a huge disappointment for us. We are therefore pleased to see this proposal which will hopefully limit the number of useless defensive registrations that trademark owners will need to do in order to avoid potential trademark conflicts in the new gTLDs.

It is again important to stress that this solution will have to be reasonably priced so as not to place an prohibitive burden on trademark owners and be able to include all registered trademarks and domain names that have previously been abusively registered or used.

We have kept our comments short and to the point but would be happy to expand further on these if need be.

Yours sincerely,  
LEGO Juris A/S

Mette M. Andersen  
Corporate Counsel

