



U.S. CHAMBER OF COMMERCE



January 15, 2013

Mr. Fadi Chehadé  
President and Chief Executive Officer  
Internet Corporation for Assigned Names and Numbers  
12025 Waterfront Drive, Suite 300  
Los Angeles, CA 90094-2536

Dear Mr. Chehadé:

We write in response to ICANN's November 30 solicitation of comments surrounding the proposed strawman solution meant to ensure rights and protections for stakeholders in the Trademark Clearinghouse and the associated proposal for a Limited Preventative Registration (LPR) mechanism to enable trademark owners to prevent second-level registration of their marks. As detailed below, we respectfully request ICANN consider and implement key modifications to the current strawman solution to improve consumer protection and minimize confusion and potential fraud.

The Internet serves as a place for individuals to connect, learn, conduct business, and inspire. For business, it delivers a powerful tool for brand owners to reach billions of consumers across the globe. ICANN plays an important role in preserving the operational stability and security of the Internet.

We are concerned that, if the proposed strawman solution is implemented absent modification, it will provide inadequate protections to safeguard consumers against brand confusion and consumer fraud, while forcing brand owners to devote significant resources to protect their brands and customers.

Several key enhancements to the strawman would avert much of this potential for confusion and abusive activity. Specifically, we urge ICANN to adopt the following recommendations:

1. **Extend the sunrise period to at least sixty days and leave open the claims period indefinitely for registration challenges.** This approach will provide a reasonable amount of time for brand owners to register their domains and react to third-party registrations that could be confusing or deceptive to consumers and make it more feasible for brand owners to monitor the hundreds of anticipated new domains.
2. **Improve the proposed Uniform Rapid Suspension (URS) system to provide an affordable and efficient means to halt fraud quickly and effectively.** The URS system needs to be fully functional prior to the launch of new generic top level domain names (gTLDs), and locating a provider that can deal efficiently with infringement at an affordable price-point is critical. In addition, rather than merely suspending domain names, we recommend cancelling the subject domains or transferring them to the trademark owner, along with easing the burden on brand owners in proving ownership of their trademarks.
3. **Implement a Limited Preventative Registration (LPR) framework to prevent suspect activity.** The best way to protect consumers is to prevent consumer confusion and fraud before it happens. Brand owners need a protection mechanism, such as the LPR solution, to help keep consumers from being harmed. In the proposed strawman, brand owners must monitor the launch of domains one-by-one to prevent second-level registration of domain names that match their trademarks – and, at that point, there is only so much a brand owner can do to remedy the harm from any wrongdoing that is uncovered. Given the expected surge in domains, such an undertaking is difficult and resource-intensive. A well-crafted LPR framework would allow brand owners to protect consumers en masse while also including appropriate safeguards for registrants with a legitimate right or interest.

Taken together, these changes will more effectively protect consumers and provide our members with the tools to safeguard the trusted brands they have worked diligently to build.

To the extent that any of the above recommendations require consultation via ICANN's Policy Development Process (PDP), we respectfully request that ICANN initiate quickly an expedited process under the PDP to consider them.

We appreciate this opportunity to provide feedback on the Trademark Clearinghouse implementation. ICANN is in a position to prevent cybersquatting, typosquatting and other forms of trademark abuse and consumer fraud by equipping the gTLD program with more

meaningful safeguards, ensuring the stable and secure operation of the Internet. Thank you for your consideration of these comments.

Sincerely,

National Association of Manufacturers  
National Foreign Trade Council  
U.S. Chamber of Commerce  
U.S. Council for International Business  
U.S. Telecom