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**Via Electronic Mail**

Ms. Karen Lentz  
Director, Operations & Policy Research  
Internet Corporation for Assigned Names and Numbers  
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[tmch-strawman@icann.org](mailto:tmch-strawman@icann.org)

**Re: American Insurance Association Comments on Trademark Clearinghouse “Strawman Solution” and Limited Preventative Registrations Proposal**

Dear Ms. Lentz:

The American Insurance Association (AIA) appreciates the opportunity to comment on the Trademark Clearinghouse “Strawman solution” and the limited preventative registration proposal (LPR).

AIA is the leading property-casualty insurance trade organization, representing approximately 300 insurers that write nearly \$100 billion in premiums each year. AIA member companies offer all types of property-casualty insurance, including personal and commercial auto insurance, commercial property and liability coverage for businesses, workers’ compensation, homeowners’ insurance, medical malpractice coverage, and product liability insurance. As many of our members are brand owners in a highly regulated industry, we are very interested in how the Trademark Clearinghouse operates.

AIA strongly believes that any successful applicant for strings relevant to the insurance industry must demonstrate that it is willing to implement strong measures to prevent fraud and consumer confusion. Security and confidence, and the corresponding need to proactively target fraud and abuse, is paramount to the insurance industry, as consumers often entrust insurers with their personal financial and non-financial information. As such, AIA feels strongly that the anti-abuse and rights protection mechanisms (RPMs) developed and implemented as integral parts of the new gTLD program must, as a first priority, promote policies designed to deter bad actors who abuse the Internet.

Further, given that costs to brand owners to acquire defensive registrations across all new gTLDs could reach extraordinarily high and burdensome costs, there is concern that small businesses could be significantly impacted. The need to protect ones brand is not only

important to the brand owner that has already invested so much to protect their brand, but also to protect consumers from cybersquatters, phishers, spoofer, and other criminals that are intent on misleading, confusing, defrauding and/or potentially stealing from consumers. This is particularly troublesome for customers in the financial services industry, such as insurance.

In short, we believe that the current RPMs should be improved, as proposed by the Strawman and limited preventative registration (LPR) proposals. We believe that these proposals taken together should be adopted because they represent incremental improvements. That being said, we do wish to note that they still fall short of what we see as the most effective means of deterring the rampant abuse of domains, marks, content, and consumers – abuse which is almost certain to increase with the growth of the Internet, putting a damper on innovation, trust, and cost-effective consumer offerings.

AIA supports (1) the additional 30-day notice requirement in advance of each new sunrise period, (2) the extension of the trademark claims service from 60 to 90 days, (3) the addition of a 6-12 month “secondary” claims service, and (4) the expansion of the scope of the primary and secondary trademark claims services to cover 50 additional domain names which have previously been abusively registered or used. That said, AIA notes that further improvements should ultimately be made. For example, consistent with the goals of protecting consumers and brand owners, we also believe that the TMCH and claims service should run indefinitely. Also, it is unclear why the secondary claims service should be limited to 6-12 months – this seems to short circuit what appears to be a cost-effective means of deterring infringement by giving notice through an already-established technical and procedural mechanism. In addition, the secondary claims service should provide the same level of notice to the registrant as the primary claims service as well as an acknowledgement of the registrant that is sufficient to meet the burden of proof for the Uniform Rapid Suspension (URS) system. Further, if the secondary claims service is adopted as currently proposed, we believe it should not require an additional cost.

AIA also supports the LPR, as a mechanism that is needed to prevent second-level registration of exact trademarks, as well as strings that have already been abusively registered or used across TLDs. AIA believes the proposal represents a needed step toward preventing abusive second-level domain use, which in turn means a benefit for insurers in holding down costs and increasing consumer confidence in the legitimacy and security of online insurance offerings.

Finally, while the above additional protections are helpful, they must work in concert with other ICANN protections, such as the Uniform Rapid Suspension (URS) system, which should include a lower burden of proof, a domain transfer right, and a “loser pays” model. While we understand the URS system is being addressed in separate proceedings, it is essential to the overall objective of implementing reforms to protect consumers and improve brand policing on the web.

In conclusion, AIA believes that the Strawman and LPR proposals are both worthwhile enhancements to the current RPMs that will better enable brands to protect their investments

in their marks, and allow brands to, correspondingly, protect consumers from illicit uses of the Internet. We hope that ICANN will implement these changes, but will also remain responsive to Internet stakeholders who strongly believe that further policy enhancements are necessary to best-purpose the Internet.

Thank you again for the opportunity to comment on these proposals and the extremely important issue of rights protection mechanisms in the new gTLD program. We look forward to the adoption of these proposals in this new gTLD round.

Sincerely,

A handwritten signature in cursive script that reads "Angela Gleason".

Angela Gleason  
Associate Counsel