

January 15, 2013

**Via Electronic Mail**

Ms. Karen Lentz  
Director, Operations & Policy Research  
Internet Corporation for Assigned Names and Numbers  
12025 Waterfront Drive, Suite 300  
Los Angeles, California 90094-2536, USA  
[tmch-strawman@icann.org](mailto:tmch-strawman@icann.org)

**Re: Global Brand Owner Coalition Comments on Trademark Clearinghouse  
“Strawman Solution” and Limited Preventative Registrations Proposal**

Dear Ms. Lentz:

We appreciate the opportunity to submit this comment on the “strawman solution” and limited preventative registrations proposal, on behalf of the Global Brand Owner Coalition (“GBOC”), a coalition composed of brand owners from various industries and related trade and professional associations.

Our members include Verizon, General Mills, Brown-Forman Brands, Thomson-Reuters, AAFA, and other organizations in the real estate, insurance, food and beverage, and hospitality industries. The GBOC was formed to advance our collective goal in making the Internet a safe and secure place for the public that is respectful of brands in the global marketplace. Specifically, we believe that an increased focus on the potential harm to consumers and a proactive approach to improving trademark rights protection mechanisms are both essential to the success of the new gTLD program.

We believe that the current framework of trademark rights protection mechanisms is inadequate to protect the public or our brands in an expanded Internet naming space.

As a threshold matter, we fully agree that ICANN must “[c]omplete the [Uniform Rapid Suspension, or] URS as a low cost alternative and improve its usefulness.” We appreciate that the URS is on a separate implementation track within ICANN, but wish to emphasize the importance of URS improvements to members of the GBOC. For example, successfully suspended strings must become ineligible for future registration in perpetuity—which would help address problems and costs associated with growing portfolios of unwanted second-level registrations for purely defensive purposes. In addition, the current response fee requirement must be extended beyond the partial loser-pays threshold for fifteen or more domain names in a single complaint—which would shift some enforcement costs on to infringers where they belong. Finally, we favor a preponderance of the evidence as the appropriate standard for the URS.

We also fully agree that ICANN must “[i]mplement a mechanism for trademark owners to prevent second-level registration of their marks,” as well as strings previously abusively

registered or use, “across all registries, upon payment of a reasonable fee.” Accordingly, we lend strong support to the limited preventative registrations proposal. It is the only current proposal designed to ameliorate the need for unwanted and unused portfolios of defensive second-level registrations, and it should be promptly implemented by ICANN.

The GBOC lends qualified support to the strawman solution. Our support is qualified because we agree that ICANN must “[e]xtend the [trademark clearinghouse] and claims notices for an indefinite period” in a process that is “easy to use, secure and stable.” While we support incremental improvements in the strawman solution (such as a modest thirty day sunrise notice period and inclusion of strings previously abusively registered or used within the claims service) we do not support anything short of an indefinite duration for the claims service. Indeed, the secondary claims service contained in the strawman solution is deficient in several aspects. It only lasts six to twelve months, whereas infringing registrations continue in perpetuity. It does not require acknowledgement by registrants, thus it fails to address spurious claims that bad actors lacked notice of the trademark owner’s rights. It also lacks detailed notice sufficient to allow third parties to make informed decisions about the propriety or impropriety of their registrations.

In sum, further action needs to be undertaken by ICANN to implement necessary improvements to the framework of rights protection mechanisms associated with the new gTLD program. Thank you again for the opportunity to comment on this extremely important topic.

Sincerely,

The Global Brand Owner Coalition