

**eInstituto Comments on
"Locking" of a Domain Name Under UDRP Proceeding
September 3rd, 2012**

eInstituto– Instituto Latinoamericano de Comercio Electrónico (ILCE) welcomes the opportunity to provide input to the Policy Development Process (PDP) Working Group established by the Generic Name Supporting Organization (GNSO) to bring clarity regarding the locking of domain names subject to UDRP proceedings.

eInstituto is a regional non-profit organization that gathers all principal Institutions which promote and provide support to Digital Economy in various Latin American countries. The organization promotes several joint initiatives to help consolidate eCommerce and eBusiness in Latin America (to see adhered Institutions from the region please refer to www.einstituto.org). eInstituto can also be described as an open federation or network of eCommerce Chambers, which together gather a group of associated businesses organizations that represent more than the 85% of the Latin American business volume through the Internet.

eInstituto joined the Business Constituency at ICANN in 2012 in order to collaborate in the task of raising awareness among Latin American businesses regarding the Domain Names System and Internet Governance issues more broadly. These issues affect the way businesses are conducted, and our main goal is to represent the interests of the Latin American businesses in ICANN - as users of the Internet-, including small and medium sized companies which tend to be misrepresented in these complex scenarios.

eInstituto has a particular interest in UDRP since one of our initiatives, entitled “Online Dispute Resolution Regional Program for the Digital Economy”, advocates and works for the challenge of building better Conflict Resolution Systems that will be able to serve the new Global Community needs. Within this initiative, eInstituto strongly supports the future creation of a UDRP provider for Latin America, to provide geographical representation and diversity. Indeed, for an organization with a truly global mission like ICANN, it is clear that even when the creation of general policies (such as the UDRP) is centralized, implementation is best when performed at a regional level. This demands the creation of regional poles to enforce the general policies and adequate those to local needs.

In this context, eInstituto appreciates the important work that this PDP WG is undertaking. Predictability, transparency, and accountability are key elements in any processes which ICANN promotes to the users. Registrars from all regions, whether as accredited registrars or as a reseller affiliated with an accredited registrar, registries and UDRP providers should all be required to abide by standard procedures, which are widely publicized in easy to understand terms and are translated by ICANN in at least the six UN languages. UDRP procedures also influence many core rules for ccTLD dispute resolution worldwide, and this multiplies the relevance of the task undertaken by this PDP.

UDRP proceedings must serve to provide fair decisions for the parties involved, which is why we support the creation of a standard and transparent procedure for registrars and UDRP providers, in order to successfully lock domain names subject to UDRP proceedings and unlock domain names when it is proper to do so. We also support clarification and definition of the term “lock” and its implications, as well as clarification regarding how registrars should deal with proxy and private services when a domain name is locked.

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