



*Office of the Associate General Counsel,
Trademarks & Licensing
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April 1, 2010

Internet Corporation for Assigned Names and Numbers
International Square
1875 I Street, NW, Suite 501
Washington D.C., 20006

Via electronic mail to : urs-15feb10@icann.org

Attention: Karla Valente

Re: International Business Machines Comments on the Draft Uniform Rapid Suspension System ("URS"), revised February 2010

International Business Machines ("IBM") appreciates the opportunity to submit comments to the Internet Corporation for Assigned Names and Numbers ("ICANN") on the published Draft Uniform Rapid Suspension System ("URS"), revised February 2010.

Further to IBM comments submitted on January 26, 2010 with respect to the Special Trademark Issues Review Team Recommendation, IBM submits the following.

1. Filing the Complaint

IBM would like clarification whether a Complainant initiates the URS proceedings with the URS Provider by filing not only a Complaint but also any supporting materials for the Complaint. If the supporting materials may be filed after the Complaint, please clarify what deadlines apply.

2. Fees

IBM agrees that the fee for filing an URS complaint should not be overly burdensome. ICANN recommends a filing fee of USD \$300, and acknowledges that the Provider will set the actual filing fee. IBM recommends that ICANN set a filing fee cap to ensure that Providers do not set excessive filing fees.

4. Notice and Locking of Domain

IBM would like a clarification that the URS Provider will provide the Registrant with not only a copy of the Complaint but also any supporting materials accompanying the Complaint.

5. The Response

IBM would like a clarification whether the Response must include any supporting materials, or whether supporting materials may be filed after the Response, and further, that the qualified Examiner will receive the Complaint, Response and any supporting materials accompanying either.

10. Remedy

The proposed remedy that the domain name shall be suspended for the balance of the registration period and name servers redirected to an informational web page about the URS could be potentially damaging to the trademark of the successful Complainant that has been included in the domain, since it will appear to the casual observer that the trademark owner is not able to control the use of its mark in domain names on the Internet. This is further exacerbated if the top level domain ("TLD") is a private .brand TLD since the successful Complaint's trademark will continue to be associated with the mark of another. IBM, therefore, recommends that the domain may be cancelled at the option of the successful Complainant, instead of being suspended for the balance of the registration period and resolving to an informational page about the URS.

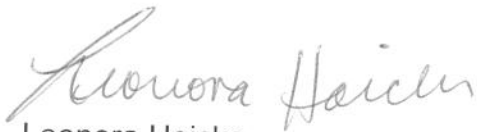
11. Abusive Complaints

IBM notes some discrepancies in section 11.2 and submits the section should read as follows:

11.2 In the event a party is deemed to have filed ~~two~~
~~(2)~~ three (3) abusive complaints, or one (1)
"deliberate material falsehood," that party shall be
barred from utilizing the URS for one-year
following:

(a) the date the last of the three Complaints was determined to be abusive or (b) the date the Determination concludes one deliberate material falsehood was filed. [Defining Abusive Complaints remains under consideration.]

Respectfully Submitted,

A handwritten signature in cursive script that reads "Leonora Hoicka".

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