

MarkMonitor welcomes this opportunity to comment on the Draft Uniform Rapid Suspension Systems ("URS") as part of ICANN's expansion of the Generic Top-Level Domain (gTLD) space. This is our fourth set of comments on the subject of the URS. (URS in the IRT Draft <http://forum.icann.org/lists/irt-draft-report/pdfq4JezKKNYG.pdf>, URS in the IRT Final Report <http://forum.icann.org/lists/irt-final-report/pdfN6xQUlg3zZ.pdf>, and URS in the STI Proposal <http://forum.icann.org/lists/sti-report-2009/pdf7ttLjE5DSS.pdf>)

As part of a "tapestry" of rights protection mechanisms URS could be a very effective tool to protect brand rights holder interests in an Internet where there are hundreds or thousands of new gTLDs. On its own, or combined with other weak protection mechanisms like the trademark clearing house URS will likely not provide adequate protection or a major tenant of a rights protection program for most brand holders.

By itself the URS appears to provide some benefit for addressing clear-cut trademark abuse. However, the only remedy provided is the suspension of the domain for the balance of the registration period or for the ability to register the domain for an additional year with ownership to remain under the original Registrant. This may make URS a Sisyphean task for brand holders as they are forced to file URS proceedings on more popular infringement variants every two years or less.

In addition to these remedies, we ask that an option for the transfer of domains be allowed in cases where determination is in favor of the Complainant. Without this option well-trafficked domains suspended under the URS will be registered again when they become available resulting in a repetitive cycle of domain name watching and suspending.

Additionally, under this proposal registrants have the ability to respond to default cases for a period of up to two years after a ruling in favor of the Complainant. Therefore, continual tracking and management of these default cases for a period of up to two years will be burdensome for rights holders and conflicts with the URS's stated cost-effective and expedited objectives. The Internet community would be better served if the period be shortened from two years down to the shorter of 90 days or the expiration of the domain.

MarkMonitor urges ICANN to reconsider the proposed remedies for the URS and to allow for a transfer option and that the amount of time Registrants have to respond to default judgments in favor of the Complainant be decreased to the shorter of 90 days or the expiration of the domain.