



**Comments by InterContinental Hotels Group
on the
Draft Uniform Rapid Suspension System (URS)
Revised – February 2010**

InterContinental Hotels Group, PLC (IHG) is pleased to take this opportunity to submit comments on the most recent version of draft Uniform Rapid Suspension System (URS). It is our trust that the URS will be operational before the future launch of new gTLDs. IHG has closely followed the issues affecting trademark holders because of its significant exposure to online criminal activity when marketing and advertising on the internet. IHG has seven popular and well-known brands encompassing 4200 owned or franchised hotels across nearly 100 countries and more than 160 million hotel stays per year. The size and scope of its operations exposes it to extensive domain name abuse.

IHG markets its brands extensively on-line and has had to deal with many incidents of cybersquatting, phishing and domain tasting. It has had to undertake numerous UDRPs, including the largest UDRP ever (WIPO Case No. D2009-1661, resulting in an order to transfer 1,519 domain names), and though it has almost always prevailed, most often with no response from the registrant, the costs are significant.

Thus, it is IHG's firm belief that the establishment of a functional and viable URS prior to the launch of a new gTLD system is imperative.

With respect to the February, 2010, draft of the URS noted above, several elements deserve comment and notice. IHG will have its primary trademarks listed in the Trademark Clearinghouse. Thus, if it needs to establish a complaint to the URS provider

regarding a proposed registration, IHG will readily comply with a "higher burden of proof" as stated in Section 1.4(e) that the proposed domain name "is identical or confusingly similar" to one of IHG's registered brands or trade names.

Further, while the current draft addresses a more detailed process by which a registrant can respond to a complaint, it is IHG's experience, through the UDRP process, that the cybersquatters rarely, if ever, respond and the issue proceeds to default – albeit not until significant time and expense have been spent. It is our view that IHG's complaints, as needed, will meet the higher standard for "burden of proof" and will lead to clear-cut decisions by any Examiner.

In addition, the Complainant (such as IHG) must be able to "bundle" into one complaint all of the proposed domain names that are "confusingly similar" to its trademark and registered by the same registrant. Professional cyber squatters are now registering hundreds of similar domain names at the same time. As noted above, IHG recently won a UDRP case where the registrant registered more than 1,500 "confusingly similar" domains. It is quite likely that this behavior will carry over into the new gTLD launch and the URS must provide an adequate blockage to such conduct.

Finally, in remedies, the URS should provide a more long-lasting remedy to a trademark holder whose rights have been abused and who has won a favorable determination against the abusive registrant. In these clear cut cases simply suspending the domain name for the balance of the registration period or allowing the successful complainant to pay to extend the registration period for one additional year is insufficient. Once the two registrations periods have expired the "confusingly similar" domain name is again available to the next "domain taster" who would likely again try to slip it through review.

In the UDRP one of the available remedies is for the trademark holder to request a transfer of the domain name to their ownership. This is why IHG maintains nearly 4300 such "defensive" registrations. The URS should have a stronger remedy. If the

complainant gets the default determination based on no response from the registrant and the Section 8 (2) standards of "no defense could be imagined" that could reverse the finding, then the remedy should be a perpetual suspension of the domain name in question unless the trademark owner wishes a transfer to its control.

IHG will continue to monitor the policy discussions and proceedings that will lead to a useful and successful URS. We trust that the appropriate mechanisms will be in place prior to the new gTLD launch so that the needs of consumers and users of the internet, together with the business community, will welcome the expanded terrain.

Respectfully Submitted,

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