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Jordyn Buchanan
Chair, Whois Task Force
Generic Names Supporting Organization
Internet Corporation for Assigned Names and Numbers
via e-mail: whois-services-comments@icann.org

RE: Comments of RE/MAX International, Inc. on the GNSO Whois Task Force Preliminary Task Force Report on Whois Services

RE/MAX International is pleased to respond to the request for comments on the November 22, 2006 GNSO Whois Task Force "Preliminary Task Force Report on Whois Services," available at <http://gns0.icann.org/issues/whois-privacy/prelim-tf-rpt-22nov06.htm>.

About RE/MAX International

RE/MAX International is the owner of the famous "RE/MAX" trademark and the RE/MAX balloon design. Based in Denver, Colorado, RE/MAX International franchises a network of more than 6,500 real estate brokerages, with over 115,000 affiliated real estate agents in more than 60 countries. No one in the world sells more real estate than RE/MAX.

Open Whois Access Is Important Not Only to the Prevention of Infringement and Cybersquatting, but also to Avoid Unnecessary Legal Action Against a Company's Own Affiliates

Trademark owners and associations have detailed the critical needs of trademark owners to identify, contact, and take action against unauthorized, abusive domain name registrations in numerous comments to the Whois Task Force. Trademark infringement is, by definition, behavior that is likely to confuse or deceive consumers, so there is a strong public interest in trademark owners being able effectively to prevent infringement, cybersquatting, and fraudulent schemes like phishing.

Franchise owners, however, also need Whois information to verify the legitimacy of a domain registration by an affiliate and to resolve issues over inappropriate registrations on an informal basis. RE/MAX International permits our franchisees and their agents to register domain names containing the trademark "remax," but only if they follow a specific formula. With over 115,000 affiliates, RE/MAX International is not informed of every domain registration an affiliate makes, but must be able to determine when a new domain registration is: a) a compliant registration by a RE/MAX affiliate; b) a registration by a RE/MAX affiliate that does not follow our requirements; or c) a registration by an unauthorized party. Any proposal, such as the Operational Point of Contact (OPoC) proposal, that might require a franchisor to file suit, only to determine that a domain owner is one of its own franchisees, is completely impractical, in terms of wasted cost and damaged relationships with one's franchisees. In short, access to Whois information is necessary, not only when one anticipates legal action, but when one wishes to avoid it. ICANN can reduce needless litigation by rejecting proposals that would curtail trademark owners' access to accurate domain registration information.

Very truly yours,

A handwritten signature in blue ink that reads "Adam Lindquist Scoville".

Adam Lindquist Scoville
Corporate Counsel

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