



**Comments by InterContinental Hotels Group
on the
Draft Applicant Guidebook 5 (DAG5)
December 10, 2010**

InterContinental Hotels Group (IHG) is pleased to submit comments on the fifth Draft Applicant Guidebook (DAG 5) regarding the upcoming launch of the new gTLDs. While IHG appreciates the opportunity to respond to the DAG 5, IHG's comments should not be interpreted as an endorsement or acceptance of the expansion of the gTLD system. Instead, IHG continues to believe that new gTLDs are unnecessary and will only create new opportunities for cybersquatters and other bad actors online, to the detriment of all Internet users. We remain deeply concerned that this version of the Guidebook does not go nearly far enough to ensure the security and protection of Trademarks within and applying to the Trademark Clearinghouse (TMC), as well as the needed rapidity and effectiveness of the Uniform Rapid Suspension System (URS).

TMC

As discussed in our previous comments, cyber-squatters and phishers are a consistent problem that IHG and other trademark holders constantly combat. In order to tackle this problem, the detection within the TMC must not only look for identical matches but domain names that are also "confusingly similar". By detecting "confusingly similar" names early, the TMC should be able to put an abrupt and permanent stop to the fraudulent registrations that have occurred in the past. It must allow for the security and protection that has been promised by the TMC, and IHG strongly encourages this to be included in the final Guidebook.

To achieve this appropriate level of security, we believe it is imperative that the TMC return to the provisions set out in the original IRT draft. As IHG commented then, the notification that trademark owners would receive, upon an attempt to register a top-level or second-level domain name that includes their trademark, is still beneficial, and IHG is

supportive that it has remained. However, being allowed to only submit one entity to be covered in the TMC, is not cost-effective, efficient, or in the best interest of trademark owners trying to protect against the abuses described above. This needs to be changed, especially for companies such as IHG who have more than one brand to protect.

URS

While IHG recognizes the objective of having the URS be a more efficient process than the UDRP, the length of time and costs associated with these proceedings remains unacceptably excessive. We concur with WIPO's assessment that the "series of enforcement layers" are "disproportionate to the available remedy, i.e., the temporary suspension of a domain name." As noted in previous comments, the remedy for abusive use needs to be a permanent one. By only suspending the domain name and forcing the Complainant to defensively register it under their trademark, it has become more cost consuming than it should be. Clarity is an absolute must in these provisions before this new gTLD launch can occur.

In conclusion, IHG concurs with the United States Department of Commerce's comment that "there is still concern for the improvements that have yet to be seen, where little has been resolved since the last Guidebook". In order to effectively implement and launch the new gTLDs, the legitimate needs of the business community and the intellectual property community must be addressed. It is clear that an overwhelming number in these constituencies are in agreement that the rights protection mechanisms and provisions outlined in DAG 5 don't go far enough to ensure the protection of current and future trademarks.

With that in mind, IHG respectfully asks that ICANN take an in depth look at what it is setting forth, and realize that a premature launch of these new gTLDs puts these communities at great financial risk. . IHG believes by postponing the launch, it will allow for a better analysis of the provisions, most importantly the TMC and URS.

Respectfully Submitted,

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