



IPC Comments Regarding The .NEUSTAR RSEP Request To Release Country and Territory Names

November 10, 2014

The GNSO Intellectual Property Constituency (“IPC”) appreciates this opportunity to comment on a proposed amendment to the .NEUSTAR Registry Agreement, to implement a request submitted through the Registry Services Evaluation Policy (“RSEP”) process to allow the registration of all country and territory names currently required to be reserved by Section 4 of Specification 5 of the Registry Agreement. See <https://www.icann.org/public-comments/ctn-release-neustar-2014-09-19-en>.

The IPC hereby maintains its historic position supporting the release of country and territory names within .BRAND TLDs, and for the reasons reiterated below, extends this same support to the current .NEUSTAR RSEP request.

On June 11, 2013, the IPC commented on the Proposed Final New gTLD Registry Agreement (April 29, 2013 version), noting:

Trademark owners (dot.brands) already regularly use geographic names to target specific consumers and audiences around the world. dot.brand TLDs are unique in that they will be restricted spaces, i.e., they will exercise a degree of control over domain name registrations within their respective TLDs. Thus, it seems unnecessary to rigidly apply current blanket restrictions against all second-level country codes and country names within restricted dot.brand registries. Consumers would benefit from trusted use of geographic names at the second level (e.g., <canada.brand> or <uk.brand>). It would be inefficient to force .brands to individually reach agreement with ICANN and each respective government and country-code manager. As an alternative to ICANN recognizing an exemption to Registry Agreement §2.6 and Specification 5, ICANN should define a clear and timely path forward for .brands to release geographic names at the second level.¹

¹ See IPC, [Comments of the IPC on the Proposed Final New gTLD Registry Agreement](#) (June 11, 2013).



In addition, on January 9, 2014, the IPC commented generally on the proposed Specification Thirteen addendum to the ICANN Registry Agreement (December 6, 2013 version), observing that:

.Brand TLDs offer the potential benefits of:

- Promoting global trade and trust by adapting to various business models of trademark holders;
- Guarding consumers from potential harm through the reduction of phishing and fraud;
- Protecting and honoring intellectual property that conforms to international standards while not expanding any intellectual property right beyond that granted by the national governments issuing such rights;
- Encouraging innovation within the new gTLD namespace; and
- Allowing rights holders (for profit and non-profit) to provide maximum value and choice to their customers and constituencies while maintaining strict quality control standards applicable to maintaining trademarks.²

Consistent with our prior comments, the IPC continues to support the release of country and territory names based upon the unique nature of .Brand TLDs. As Neustar correctly points out in its proposal, making country and territory names available for .BRAND registries to use at all available levels “will benefit end users by facilitating user navigation through short, meaningful, and memorable domain names relevant to their geography and/or language.”³ For example, end users are much more likely to want to use domain names like CANADA.NEUSTAR or JAPAN.NEUSTAR than alternatives that are less direct and simple. This capability should also serve the purposes and goals of new .BRAND TLDs by providing user-friendly, safe and secure geographically-targeted spaces for consumer-brand online interactions, which aligns more broadly with new gTLD program goals of consumer trust, choice, and competition in the online global marketplace.⁴

Furthermore, nearly all legacy and sponsored TLDs, including .COM and .NET, are already permitted to freely register country and territory names at all available levels to any

² See IPC, [IPC Comments on: Proposal for a Specification 13 to the ICANN Registry Agreement to Contractually Reflect Certain Limited Aspects of “.Brand” New gTLDs](#) (January 9, 2014).

³ Neustar, [Registry Services Evaluation Policy Request](#), (August 21, 2014).

⁴ See New gTLD Applicant Guidebook, Version 2012-01-11, Preamble (stating that one of the primary goals of the new gTLD program is to “foster diversity, encourage competition, and enhance the utility of the DNS”).



registrant for any purpose. New .BRAND TLDs, which will own all domains associated with the TLD, will much more tightly and responsibly control the registration and use of such names and thereby significantly minimize the opportunity for confusion, intellectual property violations, and other potential abuse. All .BRAND registry operators should therefore be afforded the same privilege to freely register country and territory names in their TLDs.

In conclusion, the IPC supports the proposed amendment to the .NEUSTAR Registry Agreement and reiterates its historic support for the ability of all .BRAND new gTLDs to freely register country and territory names at all available levels.