



Etienne Sanz de Acedo
Chief Executive Officer

655 Third Avenue, 10th Floor, New York, NY 10017-5646,
USA t: +1-212-642-1776 | f: +1-212-768-7796 inta.org |
esanzdeacedo@inta.org

Submitted to: comments-new-gtld-safeguards-dns-abuse-15mar16@icann.org

April 25, 2016

Brian Aichison
Lead Researcher, Global Domains Division
ICANN
12025 Waterfront Drive, Suite 300
Los Angeles, CA 90094-2536

Re: Draft Report on New gTLD Program Safeguards to Mitigate DNS Abuse

Dear Mr. Aichison:

The International Trademark Association (INTA) is pleased to submit the attached comments regarding the ICANN Draft Report on New gTLD Program Safeguards to Mitigate DNS Abuse.

INTA's comments are predicated on our mission to protect consumers and to promote fair and effective commerce. We strongly support the goal of ICANN's Competition, Consumer Trust and Consumer Choice Review Team ("CCT-RT") of reviewing the impact of ICANN's New gTLD program on competition, consumer trust and consumer choice, and agree that an examination of the effectiveness of safeguards put into place to protect against DNS abuse should be part of the CCT-RT's analysis. However, we are concerned by some of the conclusions and limitations of the Draft report, and address them here. Should you have any questions about our comments, I invite you to contact Lori Schulman, INTA's Senior Director of Internet Policy at 202-261-6588 or at lschulman@inta.org.

Sincerely,

A handwritten signature in blue ink, appearing to read "Etienne Sanz de Acedo", written in a cursive style.

Etienne Sanz de Acedo
Chief Executive Officer

INTA Comment on the ICANN Draft Report on New gTLD Program Safeguards to Mitigate DNS Abuse

April 25, 2016

The International Trademark Association (INTA) appreciates this opportunity to comment on the Draft New gTLD Program Safeguards Against DNS Abuse report (“DNS Abuse Report” or “Report”) prepared to aid the work of the ICANN Review Team on Competition, Consumer Choice, and Consumer Trust (CCT-RT).

Introduction

INTA’s views on the issues outlined in the Report are informed by its mission as an association “dedicated to supporting trademarks in order to protect consumers and to promote fair and effective commerce.”¹ Inherent in this mission is a fundamental concern with preventing the abuse and misuse of trademarks in the Domain Name system (“DNS”) and the potential for increased abuse in the New gTLD program.

We therefore fully support the review of the effects of the New gTLD program by the CCT-RT and believe that a full and detailed review of the current system, the Rights Protection Mechanisms (“RPMs”), and the effectiveness of the Safeguards discussed in the Draft Report to address the four questions relating to mitigation of DNS abuse will help illuminate their effectiveness in addressing areas of abuse and misuse of the system that have been created or exacerbated by the implementation of the New gTLD program. It is further hoped the CCT-RT’s work will enable ICANN to recognize and correct or put into effect new mechanisms and safeguards to address these real issues, and to make adjustments to the RPMs as part of any subsequent rounds.

INTA is, however, disappointed that the current document fails to address or seek information regarding the mitigation of types of DNS abuse that either infringe or create confusion with trademarks through the DNS, or utilize New gTLDs to extort exorbitant fees from trademark owners wishing to protect their trademarks through defensive registrations. INTA previously advised ICANN of its concerns about Registry operator abuses targeting trademark owners by letter dated June 22, 2015 to Mr. Allen Grogan, Chief Compliance Officer of ICANN. (A copy of which is submitted herewith).

In its letter, INTA discussed the need to address the following types of Registry Operator abuses which were ongoing at the time:

- pre-registration programs and allocation of domain names prior to trademark sunrise periods;
- pricing schemes targeting famous trademarks during sunrise periods and as part of premium names programs;

¹ <http://www.inta.org/About/Pages/Overview.aspx>.

- the reservation by registries of coined and arbitrary trademarks making them unavailable during trademark sunrises;
- bulk premium name allocation to affiliated monetization platforms;
- circumventing trademark claims notice requirements; and
- promotional practices confusing consumers and encouraging cybersquatting.

Although cybersquatting, front-running, traffic diversion, and other similar activities were noted in the Report as examples of registration abuse, the specific forms of Registry Operator abuse noted in the June 22 letter are not. Presumably this is because these types of abuse have not been the subject of safeguards. While this means they may have been considered beyond the scope of a study of the effectiveness of established safeguards, INTA believes these forms of abuse should be acknowledged and the paucity of safeguards noted in the Final Report so that the CCT-RT can take this into consideration. This is particularly important in light of the Report's self-characterization that it "defines the activities that constitute DNS abuse and assesses indicators of the rate of abuse in new gTLDs and the DNS as a whole." Without consideration of these other forms of abuse, the Report does not fulfill its purpose.

We further observe that the Report references a number of studies and empirical data to support its conclusions, or to which the CCT-RT might refer in order to determine the effectiveness of the nine safeguards. It does not, however, include the reports or data as part of the Report or in support of its conclusions. INTA suggests that this data and these reports be made part of the Final Report to enable CCT-RT to consider it without having to conduct the research itself.

INTA provides the following comments on the report, organized by the Four DNS Abuse Questions.

Question 1: How do we ensure that bad actors do not run Registries?

INTA believes that preventing and stopping bad actors from running Registries is a key part of securing consumer trust in the New gTLD Program. INTA supports the safeguard attached to this question, namely the vetting of registry operators through background checks to reduce the risk that potential registry operators have been party to criminal, malicious and/or bad faith behavior.

INTA is concerned by ongoing abusive registry practices by certain new gTLD registry operators as set out above and in its June 22 letter. INTA notes that various potential forms of registration abuse were discussed by the GNSO's Registration Abuse Policies Working Group in 2010 and that these are listed on page 6 of the draft Report. The list includes cybersquatting, front-running and other activities abusive of trademark holders' rights. These practices are harmful to consumer trust and are contrary to the pro-competition, consumer-focused rationale for the new gTLD program. INTA also

considers that in some instances such activities may violate the commitments registries make in their applications and in their registry agreements with ICANN.

INTA believes that the prevalence of these activities could be significantly reduced by effective vetting of registry operators prior to execution of a registry agreement and that ongoing checks should be undertaken. However, the draft Report does not address how to measure the effectiveness of vetting against practices of this nature. Instead the recommendations in the draft Report for defining and measuring the effectiveness of this safeguard concentrate on vetting the criminal history of potential registry operators. INTA urges ICANN to reconsider this focus on criminal history only and to broaden the assessment of this safeguard to include the effectiveness of vetting against bad faith practices of registry operators.

INTA believes that data for a broader assessment covering the effectiveness of vetting for bad faith behavior should already be available to a certain extent. In particular, INTA notes that Pricewaterhouse Coopers (PwC) was engaged by ICANN to perform background screenings focused on two areas: 1) general business diligence and criminal history, and 2) history of cybersquatting behavior (page 17 of the draft Report). Given this, it should be possible to analyze the data collected by PwC on cybersquatting history in order to establish the effectiveness of the screening in this area, in addition to criminal history. INTA suggests that an analysis of the results of the PwC background screenings, or as a minimum the overall numbers of rejections and of applications that were considered eligible to proceed based on the background screening process, should be made part of the Final Report. Additionally, INTA would support an extension of screening to cover not only the history of cybersquatting behavior but of abusive registry practices in general and, more particularly, past and present violations of the commitments contractually made by and the contractual obligations on registries.

As noted in the draft Report (at page 17), the personnel running a Registry may change over time so that screening on an ongoing basis may also be important. INTA welcomes any move to introduce ongoing screening and to monitor ongoing compliance with contractual obligations. INTA also encourages ICANN to enforce the terms of its registry agreements towards registry operators who are found to engage in abusive practices. These additional safeguards of ongoing monitoring and enforcement of existing agreements with registry operators would provide important additional means to address the concern that bad actors should not be running Registries. Without them, and without consideration of their effectiveness, the effects of the New gTLD on the DNS ecology cannot be adequately gauged.

Question 2: How do we ensure integrity and utility of registry information?

Trustworthy registry information is a critical protection for all internet users. INTA

recognizes in particular the value of the first safeguard in this category, the requirement in the Registration Agreement that all new registries implement DNSSEC.

Because of the importance of this safeguard to consumers and trademark owners operating websites, INTA supports the more thorough measurement and evaluation mechanisms suggested in this draft Report. Determining the effectiveness of this safeguard is important in deciding whether the current requirement is adequate and achieves its stated purpose.

INTA does not have specific input on the review team's proposals around data collection and analysis relating to the other two safeguards, prohibition of "wildcarding" and removal of "orphan glue" records. Analysis of the sufficiency and accuracy of the review of these two safeguards is beyond the expertise and purview of INTA.

Question 3: How do we ensure more focused efforts on combating identified abuse?

INTA supports safeguards that provide brand owners with the information necessary to eliminate the conduct of malicious actors, particularly those using well-known trademarks in support of DNS abuse. Also central to these safeguards are transparent procedures and processes to quickly and effectively remove DNS abuse. The use of thick WHOIS records, accurate contact information for registry operators, and consistent standards for expedited security request processes are critical safeguards to further the stability of the DNS and for quick action against DNS abuse.

INTA agrees with the conclusion that use of thick WHOIS records greatly assists in efforts to identify and remove malicious activities. INTA would welcome a study of the utility of thick WHOIS records versus thin WHOIS records, as INTA believes that such a study would conclusively confirm that thick WHOIS records are more valuable than thin WHOIS records in enabling trademark owners and law enforcement to respond to DNS abuse. A survey of abuse responders would be very helpful in measuring the effectiveness of thick WHOIS records as a safeguard against DNS abuse. Consistent with INTA's positions in prior comments, INTA acknowledges that under the current WHOIS structure, data inaccuracy is highly prevalent. While the use of thick WHOIS records does not ensure the submission of accurate information, the use of thick WHOIS records does enable DNS abuse responders to confirm where inaccurate WHOIS information has been provided and to take appropriate action.

A central and single point of contact for receiving DNS abuse complaints is also a very important procedural mechanism for quickly eliminating DNS abuse. INTA approves of the continued obligation of registry operators to provide accurate contact information for handling inquiries related to DNS abuse. While INTA appreciates the comments by some in the community that this safeguard is also used by spammers, this safeguard is still an important tool in alerting registry operators of ongoing DNS abuse. INTA also agrees that the effectiveness for this safeguard should be measured by the ease with which the corresponding contact information of registry operators may be located and the ease with which DNS abuse may be reported by DNS abuse responders.

INTA believes that an important additional mechanism to measure effectiveness of this safeguard would be a study of the responsiveness of registry operators in reviewing and responding to notices of DNS abuse. This study could assist in confirming whether the contact information provided by registry operators is accurate and whether registry operators are receiving and processing these notices in a manner that ensures an effective response to notices of DNS abuse.

Finally, INTA supports the requirement of participation by registry operators in an expedited security request process (ERSR). The implementation of ERSR programs could provide a critical safeguard to the security of the DNS and, when available, are an effective tool against DNS abuse. As an additional measurement of effectiveness, INTA also supports a standard, minimum time period by which all registry operators are required to respond to a security threat. A uniform and transparent standard would benefit both the DNS and registry operators, setting expectations for the community on appropriate response times for responding to DNS abuse.

Question 4: How do we provide an enhanced control framework for TLDs with intrinsic potential for malicious conduct?

It is INTA's understanding that while the above question is important in determining how to systematically ensure that TLDs with intrinsic potential for malicious conduct – such as those relating to money, finances, health, and other sensitive areas – are protected against abuse, no standard safeguards have been adopted for application across the DNS. Instead, as a safeguard, individual registries have been encouraged to develop their own independent means for protecting against abuse.

The Report generally proposes evaluation of the “successful adoption, implementation, and verification of a high security zone (HSZ) in [TLDs] with a high potential for malicious activity”, defining these TLDs as those “representing the banking/financial and pharmaceutical sectors.” INTA agrees that the CCT-RT should consider the experience of these high-risk TLDs. However, we note that HSZs have not been defined or required for sensitive TLDs and the meagre list of “sensitive” TLDs may be too limited. We therefore suggest that the Report consider including other TLDs and analyze and compare the incidence of abuse in TLDs in which no HSZs have been established with those in which private HSZs have. ICANN itself has never determined which TLDs should be certified as having “intrinsic potential for malicious conduct”. INTA proposes that such a list should include TLDs that not only relate to sensitive subjects (bank, insurance, pharmacy) but also those that invite other types of abuse such as premium pricing, fraudulent websites, or other types of registry or registrant abuse.

We also note that it appears that ICANN would not agree to take on the liability of being a certifier and that business case could not be made for third-party certifier to operate the program. As a result, INTA recommends that CCT-RT guidance from the ICANN board concerning whether an ICANN-controlled certification program is an effort that it would agree to operate. In addition, INTA believes that the CCT-RT should collect data

that would be useful to a working group comprised of experts formed to continue work on a HSZ verification.

Final Comments on Research Proposal and Methods

As noted above, we believe that the Report does address the measurement of some appropriate issues regarding DNS abuse and whether the New gTLD program's safeguards adequately address these. However, we also believe that it fails to provide the empirical data and studies required to answer the other fundamental questions. This is reflected by the insightful, in-depth, but eventually inconclusive set of proposals for establishing a qualitative framework for testing the effectiveness of safeguards described in detail at the end of the Report.

This Report, then, cannot be considered a fully developed resource for the CCT-RT to utilize in its considerations, but a plan for the conduct of empirical research in order to determine the effectiveness of the Safeguards. .

INTA agrees that trends and data relating to the New gTLDs must be compared with the same regarding the Legacy TLDs. However, in doing so the data must be analyzed by comparing the trends, the ratio of abuses to the number of domains in a particular registry, the qualitative experience of registrants, registrars, and registries as well as internet users, and the ratio of incidents per domain in New gTLD registries against those in Legacy gTLDs.

Finally, we note again that the Report's conclusion is that additional studies requiring outside vendors and expert analysis will be required to provide truly reliable and insightful statistical data and analysis. We agree that in order to properly analyze the effects of the New gTLD and the effectiveness of both Safeguards and RPMs such additional research will be necessary. It will also be necessary to compare not only Legacy and New TLDs, but both of them Pre- and Post- New gTLD program roll-outs (insofar as the introduction of New gTLDs could actually have an effect on DNS abuse in Legacy TLDs). Meaning that this Report, intended to provide the CCT-RT with information and analysis to aid that Team's review, actually requires the CCT-RT to undertake its own costly, time-consuming research in order to obtain information sufficient for it to meet its chartered goals. We therefore caution that the artificiality of the CCT-RT's report deadline be considered and the schedule be adjusted to allow more effective and meaningful study and analysis.

About INTA

INTA is a 136 year-old global, not-for-profit association with more than 5,700 member organizations from over 190 countries. One of INTA's goals is the promotion and

protection of trademarks as a primary means for consumers to make informed choices regarding the products and services they purchase. During the last decade, INTA has also been the leading voice of trademark owners within the Internet community, serving as a founding member of the Intellectual Property Constituency of the Internet Corporation for Assigned Names and Numbers (ICANN). INTA's Internet Committee is a group of over 200 trademark owners and professionals from around the world charged with evaluating treaties, laws, regulations and procedures relating to domain name assignment, use of trademarks on the Internet, and unfair competition on the Internet, whose mission is to advance the balanced protection of trademarks on the Internet.

Attachment – 6/22/15 Schulman Letter to Grogan



June 22, 2015

Mr. Allen Grogan
Chief Compliance Officer
Internet Corporation for Assigned Names and Numbers
12025 Waterfront Drive
Los Angeles, CA 90094

RE: Registry Operator Abuses Targeting Trademark Owners

Dear Mr. Grogan:

Thank you for meeting with members of the International Trademark Association (INTA)¹ who have spoken with you and the ICANN Board about their concerns about ongoing practices by new gTLD registry operators that appear to contravene the letter and spirit of the new gTLD program policies and agreements. Per your suggestion and that of ICANN Board members, we are writing to provide you with the specific evidence you requested substantiating these concerns. As discussed below, these registry practices appear to be in violation of the carefully crafted and negotiated Rights Protection Mechanisms (RPMs) outlined in the new gTLD Applicant Guidebook (AGB), the Trademark Clearinghouse Rights Protection Mechanism Requirements (Final RPM Requirements), and the new gTLD Registry Agreement (RA). In particular, INTA members are concerned with a number of marketing practices, including various pre-registration programs that improperly allocate domain names prior to sunrise periods, or circumvent trademark claims notice requirements, unjustifiable sunrise fees that are calculated to render sunrise protection meaningless, extortionate "premium" name pricing targeting well known trademarks,² reserved registry "premium"

¹ INTA is a global association of trademark owners and professionals dedicated to supporting trademarks and related intellectual property in order to protect consumers and to promote fair and effective commerce. INTA members are more than 6,400 organizations from over 190 countries. INTA member organizations represent some 30,000 trademark professionals and include brand owners from major corporations as well as small-and-medium-sized enterprises, law firms and nonprofit organizations.

² A trademark is generally defined as any recognizable sign, design, symbol, or expression which identifies products or services of a particular source and distinguishes them from those of other sources. See, e.g., United States Patent & Trademark Office, "Trademark, Patent, or Copyright?," <http://www.uspto.gov/trademarks-getting-started/trademark-basics/trademark-patent-or-copyright> (last visited Apr. 28, 2015). A symbol or sign can only be considered a trademark if it is distinctive. Thus, "trademarks" are generally categorized in terms of distinctiveness as being either "fanciful," arbitrary," "suggestive," "descriptive," or "generic." Devices that are the generic term for a good or service (e.g. escalator, cellophane) or merely descriptive of the goods or services themselves (e.g. bed & breakfast, registry of medical pathologists) cannot function as a trademark. On the other end of the scale, fanciful marks are considered inherently distinctive, as they are comprised of words created solely to serve as a source-identifier (e.g. EXXON, KODAK).

names that include coined (i.e. fanciful) or arbitrary trademarks, affiliated registry entities that improperly monetize domain names corresponding to world famous trademarks, practices that circumvent trademark claims notice requirements, and registry promotional practices confusing consumers and encouraging cybersquatting.

ICANN's stated purpose in introducing new gTLDs was to promote competition, consumer choice, and innovation.³ As explained to the public, "one of the reasons ICANN is opening the top-level space is to allow for competition and innovation in the marketplace. ICANN recognizes that business models may evolve as the market matures. ICANN will only hold TLD operators responsible for complying with the terms of the registry agreement." The practices outlined below are anti-competitive, harmful to consumers and clearly run contrary to the pro-competitive, consumer-focused rationale for ICANN's new gTLD program. Further, they are contrary to the RPM policies ICANN developed specifically to protect trademark owners from cybersquatting, fraud and abuse. The practices, in some instances, could well violate the commitments registries made in their applications and in their registry agreements with ICANN.

Please note that we have attempted to include several illustrative examples from more than one trademark owner showing each type of abusive practice. Although the list is illustrative, the abuses are targeting a much larger number of brands around the world. INTA continues to compile additional examples and evidence of the practices outlined below. In the meantime, INTA would like to convene a dialog to assist the Compliance Office, the New gTLD Program Committee, the Board, and the Global Domains Division to discuss these issues. INTA would be happy to provide additional details about its experiences with the practices described below during these discussions.

Registry Abusive Practices.

Pre-Registration Programs and Allocation of Domain Names Prior To Trademark Sunrise.

Registry operators continue to circumvent trademark sunrise protection through deceptive and misleading "pre-registration offers" made by their ICANN-accredited registrar partners prior to the conclusion of the sunrise periods. Such programs and offers often incorporate domain names corresponding to fanciful and/or world famous trademarks already registered in the Trademark Clearinghouse. For example, pre-registration for the fanciful trademark VERIZON has been offered in the .RICH, .LUXURY, and .CLUB gTLDs for \$2,974.99 USD, \$500.00 USD and \$355.00 USD respectively. In addition, certain registry operators, including Luxury Partners in operating its .LUXURY gTLD, further bifurcate their pre-registration periods on a priority basis, charging brand owners extortionate inflated amounts during artificially devised "pre-registration" and "priority pre-registration" phases.

As you are aware, the sunrise period is a minimum mandatory rights protection mechanism, which allows eligible rights holders an early opportunity to register names matching their trademarks in a new TLD prior

"Arbitrary" marks are those that utilize a common word but in connection with goods or services with no relation to the word itself (e.g. APPLE for computers, LOTUS for automobiles). Suggestive marks suggest a quality or characteristic of the goods or services but require some additional imagination by the consumer to make the connection and as such are not merely descriptive (e.g. SNO-RAKE for snow-removal hand tools, TINT TONE for hair coloring).

³ See <http://newgtlds.icann.org/en/applicants/customer-service/faqs/faqs-en>.

to domains becoming “generally ... available to all registrants that are qualified to register domain names within the TLD.”⁴ With only a few very minor exceptions, “registry operator[s] MUST NOT allow a domain name to be allocated or registered in the TLD to a registrant that is not a sunrise-eligible rights holder ... prior to the allocation or registration of all sunrise registrations.”⁵

Irrespective of whether allocation during these pre-registration programs is being expressly conditioned upon sunrise claims, or whether sunrise claims are ultimately made, any pre-selection, pre-registration or pre-designation to third parties prior to the end of the sunrise period constitutes an improper allocation. It is clear that consumers and brand owners are being targeted by these schemes, which seek to exploit the general confusion around new gTLD introduction and create a false demand for new gTLDs that should be subject to clear sunrise periods. Consolidated and illustrative evidence capturing such pre-registration programs and offers is presented in Exhibit A.

Pricing Targeting Famous Trademarks During Sunrise Periods.

Several registry operators continue to charge excessive and unjustifiable sunrise registration fees. INTA members have been presented with sunrise registration fees so excessive and out of proportion in comparison to base registration costs, as to simultaneously and *intentionally* render sunrise protection both impractical and meaningless. Indeed, no brand owner interested in a single defensive sunrise registration should be forced to pay as high as \$25,000 USD.

The issues surrounding Vox Populi and .sucks have dominated the discussion in recent months. However, it is important to note that many other ICANN registries are engaged in equally harmful marketing practices. Indeed, other registries have announced similar approaches, charging significantly higher fees during sunrise than during general availability. For instance, both .TIROL and .WIEN, where the cost of a single domain name registration during general availability is €29,00, while the cost of a single domain name registration matching an entry in the Trademark Clearinghouse during the Sunrise Registration period is € 1392,00. The intention of the Trademark Clearinghouse was to create a repository that enables trademark rights holders the ability to prevent or take corrective action against potentially infringing domain name registrations. It was not intended to serve as a premium product list for registries.

In addition, some registries participating in “exclusive registration periods” pursuant to the Name Collision Occurrence Assessment addendum⁶ have taken a similar approach, charging significantly higher fees during the period than they did even during the registry’s normal sunrise period, and charging significantly higher fees to register names being released from the name collision SLD block list that match well-known trademarks compared to non-trademarked names. For example, .TOP indicated the cost to register a single name matching a well-known trademark during its exclusive registration period would be RMB 180,000 (approximately USD \$30,000).⁷

⁴ See Final RPM Requirements §2 (September 30, 2013); see also AGB Module 5 §5.4.1 and Trademark Clearinghouse (June 4, 2012).

⁵ See Final RPM Requirements §2.2.4 (September 30, 2013).

⁶ See ICANN, Name Collision Occurrence Assessment Addendum (November 14, 2014).

⁷ See Domain Incite, New gTLD extortion? Registry asks Facebook for \$35,000 to register its brand (January 16, 2015). An executive for .TOP has since indicated that the alleged fee was a typographical error, and that the actual fee is equivalent to its normal sunrise fee of RMB 18,000 (approximately USD \$3,000). See Domain Incite, top says

While INTA understands that ICANN does not actively regulate domain name pricing per se, the activities described above and elaborated in Exhibit B, demonstrate that this kind of behavior is bad faith and deceptive conduct, exploits the larger ICANN community and vitiates the remedies afforded under sunrise protection. Illustrative evidence capturing such bad faith intent is presented in Exhibit B.

Pricing Targeting Famous Trademarks As Part of Premium Names Programs.

Several registry operators continue to circumvent trademark sunrise protection through so-called “premium” names programs, self-selected by registries and registrars and incorporating well-known trademarks, including arbitrary and fanciful marks (see footnote 2, above, for a discussion regarding trademark categorization). Premium names lists created as part an approved or qualified launch program, continue to wholly remove trademark names from sunrise registration periods. However, approved or qualified launch programs are not supposed to “contribute to consumer confusion or the infringement of intellectual property rights.” Final RPM Requirements §4.5.2 (September 30, 2013).

It is evident that certain registry operators have formulated their premium names lists in bad faith by targeting high-value trademarks, while claiming the potential for legitimate third party use. Again, while INTA understands that ICANN does not actively regulate domain name pricing, excessive pricing for such premium names runs contrary to the RPMs, including the sunrise periods, which were created to protect, rather than to exploit, brand owners. Moreover, there are simply no legitimate or good faith reasons for any registry operator to include coined or fanciful trademarks on their premium name lists. For example, the world famous BARBIE trademark was wrongly set aside as a premium name in the .GLOBAL new gTLD by the registry operator. Illustrative evidence capturing extortionate premium name programs is presented in Exhibit C.

Coined (Fanciful) And Arbitrary Trademarks Reserved And Unavailable During Trademark Sunrise.

Numerous INTA members have reported that their trademarks are being withheld from registration by new gTLD registry operators and placed on “reserved lists” and therefore are unavailable for registration during sunrise registration. The same trademarks are recorded in the Trademark Clearinghouse, qualify for all pertinent TLD eligibility criteria, and are not generally on any name collision block list.

Again, there are no legitimate or good faith reasons for any registry operator to withhold these trademark names from registration as a registry “reserved” name other than the opportunity to extort additional money from the trademark owner.⁸ Illustrative evidence capturing this type of trademark sunrise circumvention is presented in Exhibit D.

Bulk Premium Name Allocation to Affiliated Monetization Platforms.

Facebook shakedown was just a typo (January 16, 2015). This fee is still extraordinarily high compared to average sunrise registration prices, and brand owners remain skeptical of .TOP’s claim that the alleged \$30,000 fee was a miscommunication.

⁸ One limited exception might be in the event an arbitrary trademark is reserved because the mark is also a common dictionary word when not used specifically in connection with the goods or services sold under the trademark.

Registry operators continue to cherry pick and reserve premium domain names confusingly similar to well-known trademarks, and then monetize these domain names using affiliated monetization platforms, thereby exploiting the famous trademarks for their own financial benefit. In other words, some registry operators are ostensibly reserving, withholding from sunrise, and monetizing domain names for themselves that are confusingly similar to famous trademarks. For example, Uniregistry received attention from industry press for reserving tens of thousands of domain names, a number of which correspond to famous brand names, in new gTLDs including .LINK, .TATTOO, .SEXY, .PICS, .PHOTO and .GIFT only to shift them over to an affiliated company and monetize them through another affiliated pay-per-click parking company. Illustrative evidence capturing this type of trademark sunrise circumvention is presented in Exhibit E.

Circumventing Trademark Claims Notice Requirements.

Some registrars are providing “early notice” of pending trademark claims in connection with domain pre-registrations that do not adhere to several basic Trademark Claims service requirements. These pre-registrations later mature into actual registrations without the registrar providing proper trademark claims notice at the time of registration, thereby altogether circumventing Trademark Claims requirements.

Under the Registry Agreement, all registry operators must “implement and adhere to the rights protection mechanisms (“RPMs”) specified in [Specification 7],” including “the mandatory RPMs set forth in the Trademark Clearinghouse.”⁹ Registry operators “must provide the Claims Services for at least the first ninety (90) calendar days of General Registration...”¹⁰ And under their agreements with registry operators, registrars must:

[C]learly and conspicuously display the Claims Notice, containing the Claims Notice Information, to the potential domain name registrant and inquire as to whether the potential domain name registrant wishes to continue with the registration. The Claims Notice MUST be provided by the registrar at the time of potential registration in real time, without cost to the prospective domain name registrant, and MUST be in the form specified in the Claims Notice Form. The Claims Notice MUST require an affirmative confirmation by the potential domain name registrant to continue with the registration i.e., acceptance box MUST NOT be pre---checked).¹¹

However, some registrars allowing pre-registration of a domain are providing improper “early notices” of trademark claims at the time of pre-registration, which do not conform to the Claims Notice requirements set forth in the Final RPM Requirements. Worse yet, these registrars are not providing proper Claims Notice if and when the pre-registration matures into an actual registration. First, these pre-registration notices do not conform to the proper wording for Claims Notices as presented in Exhibit A to the Final RPM Requirements. They also do not require affirmative confirmation by the potential registrant to continue with the registration; rather, these notices explicitly allow the pre-registrant not to respond to the claim notice, and allow the registrar to proceed to register the name later, if it is still available, creating an improper opt-out regime. Finally, by nature, these pre-registration notices are not provided at the time of actual registration, nor are they provided during the first ninety days of General Registration of the TLD.

⁹ New gTLD Registry Agreement, Specification 7(1) (Jan. 9, 2014).

¹⁰ See Final RPM Requirements §3.2.1 (September 30, 2013).

¹¹ See Final RPM Requirements §3.3.1.2 (September 30, 2013).

As a result, this practice circumvents nearly all of the basic requirements of Trademark Claims service. Illustrative evidence capturing this type of trademark claims circumvention is presented in Exhibit F.

Promotional Practices Confusing Consumers and Encouraging Cybersquatting.

Some new gTLD registries are engaging in aggressive, often misleading or deceptive advertising or promotional practices engendering consumer confusion and encouraging cybersquatting.

For example, in connection with its planned release of previously-blocked name collision domains, .XYZ issued a press release touting the availability of “short, marketable keyword domain names including rare three letter and three number .xyz domains, as well as trademarked names such as NIKE, HULU, NETFLIX, SKYPE, PEPSI, AUDI, and DELOITTE.”¹² Thus, unsurprisingly, .XYZ is currently among the new gTLDs with the most UDRP and URS claims resulting in transfers or suspensions of infringing domains.¹³

Illustrative evidence capturing this kind of activity harmful to consumers and brand owners is presented in Exhibit G.

Recommendations.

Certainly, none of these practices comports with the intention of the ICANN new gTLD program in expanding the availability of new gTLDs to promote competition, choice, and trust for the benefit of consumers and the Internet community. These marketing practices are anticompetitive and harm consumers and ICANN as a whole. INTA continues to compile additional examples and evidence of the practices outlined below, as additional new gTLDs go live in the DNS. In the meantime, INTA urges the ICANN New gTLD Program Committee and the Board, along with the ICANN Contractual Compliance Department and the Global Domains Division, to engage in dialogue with intellectual property rights holders and the entire ICANN community on these issues so that reasonable remedies may be developed. INTA would be happy to provide additional details about its experiences with the practices described above during these discussions.

INTA trusts that ICANN will take these recommended steps as a matter of urgency to uphold the letter and spirit of the carefully crafted and negotiated RPMs.

Sincerely,



Lori S. Schulman
Senior Director, Internet Policy
International Trademark Association (INTA)

¹² See Hawaii News Now (via ReleaseWire), Over 18,000 .xyz Domain Names Released to the Public (December 3, 2014).

¹³ See, e.g., The Domains, Guess I Was Wrong There Is A Lot Of Cybersquatting Going On In The New gTLD's: 15X As Much? (December 15, 2014). See additional evidence in Exhibit G, below.

EXHIBIT A

https://www.name.com/account/checkout Name.com - Domain Nam...

File Edit View Favorites Tools Help

Create an Account! View Cart (1): \$2,974.99 Login


name.com Domains Hosting Support About Account

Review Cart Items Search View Cart Additional Info Checkout

Domains/Products	Type	Duration	Price
verizon.rich	Registration		\$2,974.99

Add-on Products

NAME.COM EMAIL



Your domain and your inbox, together at last.

1 Address (1 Year = \$0.99/mo)

Add to Cart

Use your domain name to create more memorable, credible email addresses and manage your inbox from anywhere in the world.

WEB HOSTING

- supports up to **25** websites
- gets you **100 GB** of disk space
- bandwidth at **1,000 GB**
- **unlimited** email accounts
- **50** MySQL databases

1 Year: \$7.99/mo

Add to Cart


100%

http://www.enom.com/tid-queue/pages/preregister.aspx?sid=w... eNom - domain name, web... x			
File	Edit	View	Favorites Tools Help
<input type="checkbox"/> verizon.boutique	Open in Pre-registration until 04/23/2014	As low as \$37.00	Pre-order Now
<input type="checkbox"/> verizon.zone	Open in Pre-registration until 04/23/2014	As low as \$37.00	Pre-order Now
<input type="checkbox"/> verizon.cheap	Open in Pre-registration until 04/23/2014	As low as \$37.00	Pre-order Now
<input type="checkbox"/> verizon.agency	Open in Pre-registration until 04/30/2014	As low as \$28.00	Pre-order Now
<input type="checkbox"/> verizon.luxury	Open in Pre-registration until 05/19/2014	As low as \$500.00	Pre-order Now
<input type="checkbox"/> verizon.farm	Open in Pre-registration until 04/23/2014	As low as \$37.00	Pre-order Now
<input type="checkbox"/> verizon.codes	Open in Pre-registration until 04/23/2014	As low as \$53.00	Pre-order Now
<input type="checkbox"/> verizon.viajes	Open in Pre-registration until 04/23/2014	As low as \$53.00	Pre-order Now
<input type="checkbox"/> verizon.build	Open in Pre-registration until 04/29/2014	As low as \$71.00	Pre-order Now
<input type="checkbox"/> verizon.club	Open in Pre-registration until 05/07/2014	As low as \$25.00	Pre-order Now
<input type="checkbox"/> verizon.dance	Open in Pre-registration until 05/20/2014	As low as \$30.00	Pre-order Now
<input type="checkbox"/> verizon.democrat	Open in Pre-registration until 05/20/2014	As low as \$37.00	Pre-order Now
<input type="checkbox"/> verizon.holiday	Open in Pre-registration until 04/15/2014	As low as \$53.00	Pre-order Now
<input type="checkbox"/> verizon.marketing	Open in Pre-registration until 04/15/2014	As low as \$37.00	Pre-order Now

Browser address bar: <https://www.melbourneit.com.au/cc/order> | Identified b... | melbourneit.com.au

File Edit View Favorites Tools Help

24/7 Customer Support 1300 554 861 | MY ACCOUNT | CART | Search


MELBOURNE  Trusted for Online Success

DOMAIN NAMES | HOSTING & SSL | WEBSITE DESIGN | SEO | ECOMMERCE | ENTERPRISE SERVICES | PARTNERS & AFFILIATES

Confirm Selection


1 SELECTION | 2 REQUIRED DETAILS | 3 PAYMENT

[Clear All](#)



Priority Pre-Registration (.club)
for verizon club
[\[Remove\]](#)

Register for 1 Year (\$355.00)

**Your order summary**

Subtotal	\$355.00
GST	\$0.00
Total	\$355.00

Login

OR

100%

EXHIBIT B

The screenshot shows a web browser window with the address bar displaying <https://www.voxpopregistry.com/en/search?q=verizon>. The page title is "verizon.sucks Search Result...". The main content area shows a checkmark icon and the text "verizon.sucks is available". Below this, it says "Select from the reservation options below". There are two main options: "Priority Reservation" and "Trademark Priority".

Priority Reservation
Reserve the name you want now, first-come, first-serve. Your registration will take place before General Availability.
\$250
RESERVE
If we are prevented from giving you this domain, this fee is refundable.

Trademark Priority
Trademark Holders can reserve now and secure a price of \$2,500 to avoid announced Sunrise pricing of \$25,000. Trademark Priority registrations will take place BEFORE sunrise.
\$2,500
IN CART
If we are prevented from giving you this domain, this fee is refundable.

Recommended

verzoncertainly.sucks	✱ Trademark Priority \$2,500	RESERVE	✱ Priority Reservation \$250	RESERVE
verzonabsolutely.sucks	✱ Trademark Priority \$2,500	RESERVE	✱ Priority Reservation \$250	RESERVE
verzonstmply.sucks	✱ Trademark Priority \$2,500	RESERVE	✱ Priority Reservation \$250	RESERVE
verzonbloody.sucks	✱ Trademark Priority \$2,500	RESERVE	✱ Priority Reservation \$250	RESERVE

100%

Browser window showing the search results for **voxpathregistry.sucks** on the **www.voxpopregistry.com** website.

The browser address bar shows: <https://www.voxpopregistry.com/en/search?q=voxpathreg>

The website header includes the **.SUCKS** logo and navigation links: [Find a .Sucks](#), [FAQ](#), [Support](#).

The search bar displays: **WWW. voxpathregistry .SUCKS** with a **Search** button.

The search results show a message: **Sorry, voxpathregistry.sucks is already taken**.

Two options are presented, both marked **SOLD**:

- Priority Reserve**: Reserve the name you want now, first-come, first-served. Your registration will take place before General Availability.
Price: **\$250**
Button: **RESERVE**
- Trademark Priority**: Trademark Holders can reserve now and save up to \$2,500 to avoid announced Sunrise pricing. Trademark Priority registrations will take place before Sunrise.
Price: **\$2,500**
Button: **RESERVE**

Small text at the bottom of each option: *If we are contacted first, please note that your registration will be voided.*

Zoom level: 100%

Browser address bar: <https://www.voxpopregistry.com/en/search?q=momentous> | Search results: momentous.sucks Search R...

File Edit View Favorites Tools Help

WWW. momentous
.SUCKS
Search

✕ Sorry, momentous.sucks is already taken

Priority Reserve

Reserve this name you want now. First-come, first-served. Your registration will take place before General Registration.

SOLD

\$250

RESERVE

Trademark Priority

Trademark Holders can reserve now and avoid sunrise pricing of \$2,500 to avoid sunrise pricing. Trademark Priority registrations will take place before sunrise.

SOLD

\$2,500

RESERVE

Recommended

momentoussimply.sucks	✱ Trademark Priority \$2,500	RESERVE	✱ Priority Reservation \$250	RESERVE
momentoustotally.sucks	✱ Trademark Priority \$2,500	RESERVE	✱ Priority Reservation \$250	RESERVE

100%

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 - [Trademark Clearinghouse](#)
 - [Domains Protected Marks List \(DPML\)](#)
 - [Mark Validation System \(MVS\)](#)
 - [FAQ](#)
 - [New gTLD Seminar](#)
- [More Services](#)
 - [In-house Domain Training](#)
 - [Local Presence](#)
 - [TLD Regulations](#)
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 - [Media](#)
- [Blog](#)
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 - [Director Profiles](#)
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Domain name search
[Domain Name Recovery Service](#)

Newsletter

Sign up for our newsletter that covers domain name and trade mark issues.

[Click here to register a free account](#)[Prefer to talk? Give us a call or request a call back](#)**.tirol**
UNSERE DOMAIN

The new domain name extension .TIROL is for the Austrian federal State of Tyrol.

If you do business within the EU, Tyrol or Austria it is essential that you secure your .TIROL domain name.

Nexus and Use Requirement

The requirement applies to all the periods listed below and provides that any natural person, legal person, organisation or association intending to show an economic, cultural, tourist, historical, social or other affinity with the Austrian federal State of Tyrol can register a domain name.

No verification procedure will be carried out at the time of Registration to verify whether the Applicant has the required interests in or relation to Tyrol, but fulfillment of the nexus conditions can be reviewed by initiating alternative dispute resolution.

TMCH Sunrise Period 25 November 2014 – 4 March 2015

Allocation will occur at the end of the Sunrise Period. If more than one application is received for a domain name it will be resolved via auction.

Fees

Application fee (including a 1 year registration) = **£1200**

Payment can also be made in US\$ (\$2040), Euros (€1392) and South African Rands (R22800).

Eligibility

SMD file issued by the Trademark Clearinghouse (TMCH) required.

If you have not verified your trademark with the TMCH we can submit it on your behalf. Read more about the TMCH and pricing [here](#).

Local Sunrise Period (25 November 2014 – 4 March 2015)

In the event that an applicant does not have a validated TMCH mark, they can still secure their domain name provided they meet the Nexus and Use Requirement and can prove rights to one of the signs listed below.

11/17/2014

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The documentary proof required below will be validated by the registry.

- * registered Austrian trademark
- * Community trade mark
- * international trademark extended to Austria
- * geographical indications or designations of origin
- * non-registered trademark with a secondary meaning
- * the Business Name (Section 17 of the Austrian Business Code [UGB])
- * the specific name of a business within the scope of application of Section 9 of the Austrian Federal Statute against Unfair Trade Practices [UWG]
- * names or pseudonyms/aliases (Section 43 of the Austrian General Civil Code [ABGB])
- * titles that are protected pursuant to Section 80 of the Austrian Copyright Act [UrhG] or Section 9 UWG.
- *Names of monuments, churches, etc.

Fees

Application fee (including a 1 year registration) = **£1200**

Payment can also be made in US\$ (\$2040), Euros (€1392) and South African Rands (R22800).

THE TMCH SUNRISE PERIOD WILL HAVE PRIORITY OVER THE LOCAL SUNRISE PERIOD.

Domain Format

- A .TIROL domain name may only consist of numbers (0-9), hyphens and small letters (a- z).
- It must neither begin nor end with a hyphen.
- IDNs under .TIROL may use the characters of Latin script.

Landrush 13 April 2015 – 13 May 2015

Domain names will be sold at a premium during this period.

Fees

Application fee (including a 1 year registration) = **£190**

Payment can also be made in US\$ (\$323), Euros (€220) and South African Rands (R3610).

Auction

In the event that two or more Landrush applications for the same domain name are received, the Registry will hold a closed auction allocating the domain name to the highest bidder.

11/17/2014

.tirol - Lexsynergy Limited

General Availability 1 June 2015 onward

Registrations are processed on a first come, first served basis.

There are no restrictions.

Fees

Registration price per year = **£25**

Payment can also be made in US\$ (\$43), Euros (€29) and South African Rands (R475).

Certain domain names have been classified as Premium and will be sold at higher prices. If you wish to apply for a Premium domain name please email support@lexsynergy.com to process your application.

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- [Abuse Policy](#)
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- [Follow us on LinkedIn](#)
- [Follow us on Google+](#)



- [International Trademark Association](#)
- [Clearing House Agent](#)

This is Google's cache of <http://www.lexsynergy.com/wien>. It is a snapshot of the page as it appeared on Oct 1, 2014 09:09:25 GMT. The current page could have changed in the meantime. [Learn more](#)
Tip: To quickly find your search term on this page, press **Ctrl+F** or **⌘-F** (Mac) and use the find bar.

[Text-only version](#)

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Domain name search

[Domain Name Recovery Service](#)

11/17/2014

wien - Lexsynergy Limited

In the event that an applicant does not have a validated TMCH mark, they can still secure their domain name provided they meet the Nexus and Use requirement and can prove rights to one of the signs listed below.

The documentary proof required below will be validated by the registry.

- * registered Austrian trademark
- * Community trade mark
- * international trademark extended to Austria
- * geographical indications or designations of origin
- * non-registered trademark with a secondary meaning
- * the Business Name (Section 17 of the Austrian Business Code [UGB])
- * the specific name of a business within the scope of application of Section 9 of the Austrian Federal Statute against Unfair Trade Practices [UWG]
- * names or pseudonyms/aliases (Section 43 of the Austrian General Civil Code [ABGB])
- * titles that are protected pursuant to Section 80 of the Austrian Copyright Act [UrhG] or Section 9 UWG.
- * Names of monuments, churches, etc.

Fees

Application fee (including a 1 year registration) = **£1200**

Payment can also be made in US\$ (\$2040), Euros (€1392) and South African Rands (R22800).

THE TMCH SUNRISE PERIOD WILL HAVE PRIORITY OVER THE LOCAL SUNRISE PERIOD.

Landrush (2 June 2014 - 2 July 2014)

Domain names will be sold at a premium during this period.

Fees

Application fee (including a 1 year registration) = **£190**

Payment can also be made in US\$ (\$323), Euros (€220) and South African Rands (R3610).

Auction

In the event that two or more Landrush applications for the same domain name are received, the Registry will hold a closed auction allocating the domain name to the highest bidder.

General Availability Period (15 July 2014 - onwards)

11/17/2014

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Registrations are processed on a first come, first served basis.

There are no restrictions.

Fees

Registration price per year = **£25**

Payment can also be made in US\$ (\$43), Euros (€29) and South African Rands (R475).

Certain domain names have been classified as Premium and will be sold at higher prices. If you wish to apply for a Premium domain name please email support@lexsynergy.com to process your application.

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-

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EXHIBIT C

The screenshot shows a web browser window with two tabs. The active tab is titled ".GLOBAL - The global gene..." and the address bar shows "www.nic.global/search/?q=barbie.global". The website has a dark header with the ".GLOBAL" logo on the left and navigation links (HOME, REGISTER, REGISTRARS, NEWS, ABOUT, CONTACT, WHOIS) on the right. Social media icons for LinkedIn, Twitter, and Facebook are also present.

Below the header, a "Premium" badge is displayed next to the text "barbie.global is a premium name". A "SEARCH AGAIN" button is located to the right of the domain name.

The main content area features a section titled "What is a .GLOBAL Premium domain?" with the following text:

.GLOBAL Premium names are highly valuable .GLOBAL domains, domains, such as key search terms, industry terms and generic words that may be used to attract online traffic. Many businesses have been built around the ownership of a premium domain name.

A number of .GLOBAL premium names have already been turned into successful online services. This is an opportunity to invest in a premium real estate that you may use for your business or for a future trade.

Below this text, there are two expandable sections:

- **barbie** has a matching record in Trademark Clearinghouse +
- Whois output +

On the right side of the page, there is a box for "barbie.global" with the heading "Make offer" and the subtext "Onetime registration fee". It includes the following information:

- All premiums renews at normal renewal rates.
- Prices are subject to changes without notice.

A "Buy Now" button is located at the bottom of this box.

EXHIBIT D

Domain Name	Premium Registration Fee
Tweet. Party	\$3250.00
Vine.party	\$3250.00

EXHIBIT E

Susan Kawaguchi:From: Chang Su [<mailto:overseas@nic.top>] Sent: Wednesday, December 31, 2014 2:27 AMSubject: exclusive registration day Dear registrars Thank you for participating .top domains. We are so glad to announce that 16th of Jan 2015 is being selected to be Exclusive Registration Date of .top. We will release those names but not limit to: Included on the Second-level Domain Block List provided in the registry operator's Alternate Path to Delegation Report. Recorded in the Trademark Clearinghouse. Withheld from allocation by a registry operator during its Sunrise Period or Claims Period. The price of those names will be tagged on 180000RMB(approx 30000 USD) More information, please click <https://www.icann.org/news/announcement-2-2014-11-07-en> Best Regards Chang Su

EXHIBIT F

Chris Chaplow, important information inside regarding a trademark claim and your domain.

Early notice: Pending trademark claim

Dear Chris Chaplow,

Thank you for pre-registering XXXXXXXX. Your domain matches at least one trademark record submitted to the Trademark Clearinghouse.

In the coming days, we'll send you another notice explaining how to acknowledge the trademark claim.

If you choose not to respond to the claim check, GoDaddy will send in the registration after May 06, 2014, if the domain name is still available.

Questions? Take a look at this FAQ:

1. **Why am I getting a claim check notification?**

You pre-registered a domain name that is a trademarked name. A claim check is a process that protects trademark holders and notifies them of potential domain names registered with their mark.

2. **What is a trademark?**

A trademark is a recognizable sign, design or expression that identifies products or services of a particular source from those of others.

3. **What happens next?**

Approximately 48 hours before February 12, 2014, you will be asked to acknowledge the claim check in a separate email.

If you choose not to respond to the claim check, GoDaddy will send in the registration after May 06, 2014, if the domain name is still available.

If you are not awarded the domain name due to a trademark violation, we will issue you a refund, less any application fees.

EXHIBIT G

nike.xyz

Lookup

Showing results for: NIKE.XYZ

Original Query: nike.xyz

Contact Information

Registrant Contact

Name: zhou yuan hua

Organization: zhou yuan hua

Mailing Address: su zhou da xue dong xiao qu dong ba 5 0 2, su zhou su zhou shi
BJ 215000 CN

Phone: +86.13451526148

Ext:

Fax: +86.13451526148

Fax Ext:

Email: 914485479@qq.com

hulu.xyz

Lookup

Showing results for: HULU.XYZ

Original Query: hulu.xyz

Contact Information

Registrant Contact

Name: xu xinrong

Organization:

Mailing Address: wujiang, suzhou jiangsu 215000 CN

Phone: +86.63118098

Ext:

Fax: +86.

Fax Ext:

Email: igusu@qq.com

netflix.xyz

Lookup

Showing results for: NETFLIX.XYZ

Original Query: netflix.xyz

Contact Information

Registrant Contact

Name: Zeng Zhao Hui

Organization: Zeng Zhao Hui

Mailing Address: Maluan Road, Jimei District, Xiamen City, Fujian Province, Xiamen
FJ 361022 CN

Phone: +86.05926071355

Ext:

Fax: +86.05926071355

Fax Ext:

Email: dot_zeng@163.com

audi.xyz

Lookup

Showing results for: AUDI.XYZ

Original Query: audi.xyz

Contact Information

Registrant Contact

Name: lilijie

Organization: lilijie

Mailing Address: youailu118hao, nanningshi guangxizhuangzuzizhiqu 530000 CN

Phone: +400.1005678910

Ext:

Fax: +400.1005678910

Fax Ext:

Email: 370106434@qq.com



DOMAIN NAME DISPUTES

FORUM Home / Domain Name Disputes Home

ONLINE TOOLS

Home / Case Search

I Received a
Complaint...

The Domain Name
Dispute Process

Policies: Rules, Forms
and Filing

Fees

Search Panelists

Searchable Case
Database

Domain Name
Disputes New room

Download Reader
Software

Domain Name Dispute Proceedings and Decisions

To search database of cases: Enter the appropriate information in any of the fields below and click on the Search Cases button.

Search Cases		Clear Fields	
Full Text Search "xyz"			
Case Number	Enter only the final 7 digits (e.g., enter "0091324", not "FA070100091234")		
Case Name	Full or Partial		
Domain	Enter one only, or partial		
Commencement Date	MM/DD/YYYY		
Decision Date	MM/DD/YYYY		
Arbitrator	Full or Partial		
Complainant	Full or Partial		
Respondent	Full or Partial		
Status	Select status or leave blank		
Ruleset			
URS finding of abuse <input type="checkbox"/>			
At least one gTLD <input type="checkbox"/>			

Select the checkboxes that pertain to the appropriate categories. you may check multiple boxes and/or enter text into the fields above to further narrow your search. Click [here](#) for more information on this database.

THIS INDEX OF DECISIONS DOES NOT INCLUDE URS DETERMINATIONS

[Expand All](#) | [Collapse All](#) | [Clear All](#)

- ☐ TOP-LEVEL DOMAIN(S) AT ISSUE
- ☐ POLICY AT ISSUE
- ☐ PRELIMINARY AND PROCEDURAL ISSUES
- ☐ IDENTICAL OR CONFUSINGLY SIMILAR TO A MARK IN WHICH COMPLAINANT HAS RIGHTS
- ☐ RIGHTS OR LEGITIMATE INTERESTS (Policy Para. 4(a)(ii))
- ☐ BAD FAITH REGISTRATION AND USE OF THE DOMAIN NAME (Policy Para. 4(a)(iii))
- ☐ TOTALITY OF THE CIRCUMSTANCES (USED TO FIND RIGHTS OR LEGITIMATE INTERESTS OR GOOD/BAD FAITH)
- ☐ REVERSE DOMAIN NAME HIJACKING (UDRP Rule 15(e))

Search Cases

1 2 3			Page size: 20		48 items in 3 pages		
CaseNo	Domains	CaseName	Ruleset	Commenced	Status	DecisionDate	
1278310	coffeeberrymask.com	VDF FutureCeuticals, Inc. v Private c/o Michael Anderson	UDRP	08/19/2009	<u>Transferred</u>	09/29/2009	
1280654	missoulafederalcreditunion.com	Missoula Federal Credit Union v Whois Watchdog c/o Domain Administrator	UDRP	09/02/2009	<u>Transferred</u>	10/08/2009	

1/16/2015

			National Arbitration Forum			
1290319	katehudson.com	Kate Hudson v Fei Zhu	UDRP	10/23/2009	<u>Transferred</u>	12/08/2009
1298869	princeofpersia.com	Ubisoft Entertainment S.A. v Oakwood Services Inc.- N/A N/A	UDRP	12/16/2009	<u>Transferred</u>	01/28/2010
1305562	charletterusse.com, charlotterousse.com	Charlotte Russe Merchandising, Inc. v Venkateshwara Distributor Private Limited. c/o Caas Serviced Office solutions	UDRP	02/05/2010	<u>Transferred</u>	03/17/2010
1313077	kingsolver.com	Barbara Kingsolver v Kingsolver Computer Solutions	UDRP	03/17/2010	<u>Transferred</u>	04/13/2010
1323075	duovisc.com	Alcon, Inc., and Alcon Research, Ltd. v I-MED Pharma Inc. c/o Ilan Hofmann	UDRP	05/07/2010	<u>Transferred</u>	06/14/2010
1324672	xboxonline.com	Microsoft Corporation v Bingo Holdings c/o Shun Wang	UDRP	05/19/2010	<u>Transferred</u>	06/18/2010
1325675	victoriasecretperfume.net	Victoria's Secret Stores Brand Management, Inc. v Miss S Tobin	UDRP	05/24/2010	<u>Transferred</u>	07/05/2010
1330909	trxfitnessanywhere.com, trxfitnessanyhere.com	Fitness Anywhere, Inc. v Fitness Angwhere	UDRP	06/23/2010	<u>Transferred</u>	07/20/2010
1333690	soft82.com	S.C. Solutions and Consulting S.R.L. v Domain cellejesus409@gmail.com +40.65363636	UDRP	07/15/2010	<u>Transferred</u>	08/20/2010
1335299	accion.com	Accion International v eHorizon.com	UDRP	07/20/2010	<u>Transferred</u>	08/30/2010
1368643	di-noc.com	3M Company v Paperboy and Co. / Domain Management Representative	UDRP	01/28/2011	<u>Transferred</u>	03/15/2011
1441706	7littlewords.com	Blue Ox Technologies Ltd. v Asians, Inc. / Richard L. Young, Esq.	UDRP	05/08/2012	<u>Claim Denied</u>	06/10/2012
1560028	ancestry.pro	Ancestry.com Operations, Inc. v Kerry Shahan	UDRP	05/20/2014	<u>Transferred</u>	07/06/2014
1565523	aeo.xyz	Retail Royalty Company, and AE Direct Co LLC v Patrick Hipskind	UDRP	06/25/2014	<u>Transferred</u>	07/17/2014
1565698	ged.xyz	American Council on Education et al. v. Information Services Inc	URS	06/23/2014	<u>Suspended Default</u>	07/09/2014
1573046	huffingtonpost.xyz	AOL Inc. v Michael Alibakhsh	UDRP	08/04/2014	<u>Transferred</u>	09/11/2014
1577119	eos.xyz	Canon Kabushiki Kaisha v. Domains By Proxy, LLC et al.	URS	08/27/2014	<u>Suspended Final</u>	09/01/2014
1582246	morganstanley.xyz	Morgan Stanley v. yang yi	URS	09/29/2014	<u>Suspended Default</u>	10/20/2014
1 2 3			Page size: 20		48 items in 3 pages	



Site Map

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Home/ Case Search

I Received a
Complaint...

The Domain Name
Dispute Process

Policies: Rules, Forms
and Filing

Fees

Search Panelists

Searchable Case
Database

Domain Name
Disputes Newsroom

Download Reader
Software

Domain Name Dispute Proceedings and Decisions

To search database of cases: Enter the appropriate information in any of the fields below and click on the Search Cases button.

<input type="button" value="Search Cases"/> <input type="button" value="Clear Fields"/>	
Full Text Search	<input type="text" value="xyz"/>
Case Number	<input type="text"/> Enter only the final 7 digits (e.g., enter "0091324", not "FA070100091234")
Case Name	<input type="text"/> Full or Partial
Domain	<input type="text"/> Enter one only, or partial
Commencement Date	<input type="text"/> MM/DD/YYYY
Decision Date	<input type="text"/> MM/DD/YYYY
Arbitrator	<input type="text"/> Full or Partial
Complainant	<input type="text"/> Full or Partial
Respondent	<input type="text"/> Full or Partial
Status	<input type="text"/> ▼ Select status or leave blank.
Ruleset	<input type="text"/> ▼
URS finding of abuse <input type="checkbox"/>	
At least one gTLD <input type="checkbox"/>	

Select the checkboxes that pertain to the appropriate categories. you may check multiple boxes and/or enter text into the fields above to further narrow your search. Click [here](#) for more information on this database.

THIS INDEX OF DECISIONS DOES NOT INCLUDE URS DETERMINATIONS

[Expand All](#) | [Collapse All](#) | [Clear All](#)

- ☐ TOP-LEVEL DOMAIN(S) AT ISSUE
- ☐ POLICY AT ISSUE
- ☐ PRELIMINARY AND PROCEDURAL ISSUES
- ☐ IDENTICAL OR CONFUSINGLY SIMILAR TO A MARK IN WHICH COMPLAINANT HAS RIGHTS
- ☐ RIGHTS OR LEGITIMATE INTERESTS (Policy Para. 4(a)(ii))
- ☐ BAD FAITH REGISTRATION AND USE OF THE DOMAIN NAME (Policy Para. 4(a)(iii))
- ☐ TOTALITY OF THE CIRCUMSTANCES (USED TO FIND RIGHTS OR LEGITIMATE INTERESTS OR GOOD/BAD FAITH)
- ☐ REVERSE DOMAIN NAME HIJACKING (UDRP Rule 15(e))

1 2 3		Page size: 20		48 items in 3 pages		
CaseNo	Domains	CaseName	Ruleset	Commenced	Status	DecisionDate
	virgin-	Virgin Enterprises Limited v.			Suspended	

1/16/2015

National Arbitration Forum

1585312	atlantic.xyz	Domains By Proxy, LLC et al.	URS	10/17/2014	Default	11/06/2014
1585480	homedepot.xyz	Homer TLC, Inc. v Issac Portis	UDRP	10/21/2014	Transferred	12/01/2014
1588702	lanxess.xyz	LANXESS DEUTSCHLAND GMBH v. yang yi et al.	URS	11/06/2014	Suspended Final	11/16/2014
1589047	engadget.xyz	AOL Inc. v Lahoti Vinay	UDRP	11/10/2014	Transferred	12/12/2014
1589985	lufthansa.xyz	Deutsche Lufthansa AG v. Domain Proxy et al.	URS	11/14/2014	Suspended Default Final	12/08/2014
1591890	everbank.xyz	EVERBANK v. hu deng xiao	URS	11/25/2014	Suspended Default	12/12/2014
1592005	rackspace.xyz	Rackspace US, Inc. v Russell Harrower	UDRP	11/25/2014	Transferred	01/05/2015
1596032	europcar.xyz	Europcar International S.A.S.U. v. Private Registration	URS	12/19/2014	Suspended Default	01/08/2015
1 2 3			Page size: 20		48 items in 3 pages	



Private Registration JIBBIGO.XYZ Jul 23, 2015 domain .XYZ JIBBIGO.XYZ Jul 23, 2015
nsMail N/A Jul 23, 2015 The table above lists renewal information for your services. Click
the services in the chart to renew. This information is current as of 3/4/15. Or, please call
1-866-791-9411 for additional information. Did You Know...? Protect your brand! Need
additional domain extension to protect your brand? Click here to view our wide variety of
domain extensions and search for your perfect match now. Security for Pennies-a-Day
As threats to online security grow increasingly sophisticated, it's important to protect your
privacy by adding private registration to your domain name registration. Protect your
personal information today! Present a professional image with every email you send With
a domain name you've taken the first step toward showing your customers you mean
business. Using a professional email address is one of the most effective ways to present
a professional business image with every email you send. Learn More about sending
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1-571-434-4644 Email: goldvip@networksolutions.com.