



**American Insurance Association**

2101 L Street NW  
Suite 400  
Washington, DC 20037  
202-828-7100  
Fax 202-293-1219  
www.aiadc.org

February 28, 2014

VIA Electronic Mail: [comments-qlp-addendum-13feb14@icann.org](mailto:comments-qlp-addendum-13feb14@icann.org)  
[karen.lentz@icann.org](mailto:karen.lentz@icann.org)

Internet Corporation for Assigned Names and Numbers  
c/o Karen Lentz, Operations & Policy Research Director  
12025 Waterfront Drive  
Suite 300  
Los Angeles, California 90094-2536

RE: Qualified Launch Programs for New gTLD Registries

Dear Ms. Lentz:

I write on behalf of the American Insurance Association (AIA) to provide comments addressing the proposed Qualified Launch Program Addendum to the Trademark Clearinghouse Rights Protection Mechanism Requirements (the "QLP Addendum"). AIA is the leading property-casualty insurance trade organization, representing approximately 300 insurers that write nearly \$100 billion in premiums each year. Our members offer a variety of property-casualty insurance, including personal and commercial auto insurance, commercial property and liability coverage for businesses, homeowners' insurance, workers compensation, product liability insurance, and medical malpractice coverage.

AIA previously has provided comments concerning the potential unintended consequences of the language of the Draft Rights Protection Mechanism Requirements,<sup>1</sup> and we welcome the clarifications provided by ICANN in the QLP Addendum. In particular, the provisions of Paragraphs 2-4 of the QLP Addendum are an appropriate clarification confirming that domain names can only be allocated to non-Sunrise-Eligible Rights Holders prior to allocation and registration of all Sunrise Registrations if such domain names do not match a label contained in the Trademark Clearinghouse. The foregoing provisions are necessary to ensure that domain names are not allocated pursuant to Section 3.2 of Specification 5 of the registry agreement in

---

<sup>1</sup> <http://forum.icann.org/lists/comments-rpm-requirements-06aug13/msg00020.html>.

circumvention of the rights of trademark owners from around the world, including AIA member companies, and in circumvention of the principles set forth in the Rights Protection Mechanism Requirements.

AIA also urges ICANN to modify the QLP Addendum to further clarify that the provisions of Section 3.3 of Specification 5 addressing “reserve list” domain names cannot be invoked to sidestep the mandatory sunrise registration rules and the limited exemption from such rules provided by the QLP Addendum. Section 2.4.3 of the Rights Protection Mechanism Requirements addresses Registry Operators’ ability to reserve domain names pursuant to Section 2.6 of the Registry Agreement and Specification 5 of the Registry Agreement. Without an appropriate clarification in the QLP Addendum, Section 2.4.3 of the Rights Protection Mechanism Requirements could be interpreted as allowing for placement of an unlimited number of domain names on a Registry Operator’s reserve list for the sole purpose of making the domain names available for allocation after the conclusion of the sunrise registration period. In this circumstance, Section 2.4.3 of the Rights Protection Mechanism Requirements would appear to only require the Claims Services—not a sunrise registration period.

The potential for harm from this practice is exacerbated by some Registry Operators apparent willingness to sell “option contracts” to reserve list domain names despite the prohibition in Section 2.2.4 of the Rights Protection Mechanism Requirements on allocation of domain names to non-Sunrise-Eligible Rights Holders prior to the allocation or registration of all Sunrise Registrations.<sup>2</sup> Unfortunately, the welcome and appropriate clarifications in the QLP Addendum addressing allocation of domain names pursuant to Section 3.2 of Specification 5 could be rendered moot if Registry Operators are permitted to reserve an unlimited number of domain names pursuant to Section 3.3 of Specification 5, sell “option contracts” to such domain names, and then subsequently allocate such domain names after the conclusion of the mandatory sunrise registration period.

AIA believes that such a potential circumvention of the sunrise registration rules was not intended by ICANN. Therefore, the QLP Addendum should be modified to clarify that domain names that are initially reserved and then allocated pursuant to Section 3.3 of Specification 5 are also subject to the procedures set forth in Paragraphs 2-4 of the QLP Addendum dictating that such domain names may only be allocated to non-Sunrise-Eligible Rights Holders if they do not match a label contained in the Trademark Clearinghouse. Alternatively, Section 2.4.3 of the Rights Protection Mechanism Requirements could be revised to clarify that any and all domain names that will be allocated by a Registry Operator must be subject to all rights protection mechanisms including the sunrise registration rules—not just the Claims Services. The aforementioned clarifications would ensure that all domain names are provided uniform treatment whether allocated pursuant to Section 3.2 or 3.3 of Specification 5.

---

<sup>2</sup> Notably, Section 2.1.1 of the Rights Protection Mechanism Requirements defines Allocate as “allocate, assign, designate or **otherwise earmark**” (emphasis added).

Thank you for your consideration of these comments. AIA appreciates the opportunity to provide comments concerning the QLP Addendum, and is available to answer any questions.

Respectfully,

A handwritten signature in cursive script that reads "Angela Gleason".

Angela Gleason  
Associate Counsel