



June 18, 2014

**VIA EMAIL**

Ms. Caitlin Tubergen  
Registrar Relations and Contracts Manager  
ICANN  
12025 Waterfront Drive  
Suite 300  
Los Angeles, CA 90094-2536

Re: Comments of Microsoft Corporation on Proposed Implementation of  
GNSO PDP Recommendations on Locking of a Domain Name Subject to  
UDRP Proceedings - Revised UDRP Rules

Dear Ms. Tubergen:

As the owner of globally famous trademarks and a frequent UDRP Complainant, Microsoft welcomes and supports the Proposed Domain Locking Rules. It is Microsoft's experience that some intended UDRP respondents will attempt to evade proceedings by transferring the disputed domain name(s) to another registrar or to another registrant after the UDRP Complaint has been filed and before the UDRP proceeding is formally initiated. The Proposed Domain Locking Rules should render such cyberflight tactics impossible.

That said, Microsoft respectfully suggests several potential changes to the Proposed Domain Locking Rules that could provide greater clarity and administrative ease to users. These proposed potential changes are set forth below.

<b><u>Proposed Change</u></b>	<b><u>Rationale</u></b>
Revise the first sentence of Paragraph 4(a) to read: "The Provider shall submit, <i>within one (1) business day or three (3) calendar days, whichever ends sooner</i> , a verification request to the Registrar."	This proposed change imposes a deadline for the Provider to submit the verification request, which should decrease delays in obtaining the Lock. Further, identifying business days and calendar days as potential timing alternatives may help avoid uncertainty as to which workweek schedule is being used to determine whether a particular day is a business day or calendar day.
Revise the first sentence of Paragraph 4(b) to read: "Within two (2) business days <i>or three (3) calendar days, whichever ends sooner</i> , of receiving the Provider's verification request, the Registrar shall provide the information requested in the verification request and confirm that a Lock of the domain name has been applied."	Same rationale as above.

<u>Proposed Change</u>	<u>Rationale</u>
Revise the second sentence of Paragraph 4(b) to read: "The Registrar shall not notify the Respondent <i>or any third party</i> of the proceeding until the Lock status has been applied."	The proposed change should reduce the possibility that the Lock is delayed or circumvented before its issuance.
Revise the first sentence of Paragraph 5(b) to read: "The Respondent may expressly request an additional four (4) <i>calendar</i> days in which to respond to the complaint, and the Provider shall automatically grant the extension and notify the Parties thereof."	The proposed change avoids uncertainty. Because the time for responding to the Complaint is calculated based on calendar days, the length of the extension should also be based on calendar days.
Revise the first sentence of Paragraph 16(a) to read: "Within <i>four (4) calendar days or</i> three (3) businessdays, <i>whichever ends sooner</i> , after receiving the decision from the Panel, the Provider shall communicate the full text of the decision to each Party, the concerned Registrar(s), and ICANN.	Same rationale as articulated previously.
Revise the second sentence of Paragraph 16(a) to add four-calendar-day alternative.	Same rationale as articulated previously.
Revise Paragraph 17(a)(iii) to read: "The Parties reach a settlement and provide a standard settlement form to the Provider further to the Provider's supplemental rules and settlement form. <i>The standard settlement form is not intended to be an agreement itself, but only to summarize the essential terms of the Parties' separate settlement agreement. The Provider shall not disclose the completed standard settlement form to any third party.</i> "	The proposed changes are intended (a) to clarify that the standard settlement form is not intended to replace any settlement agreement negotiated and executed by the parties; and (b) to ensure that access to the submitted standard settlement form is restricted to the Provider and the parties.

Thank you for your consideration. If you have any questions or wish to discuss any of the points raised herein, please feel free to contact me at [peterbe@microsoft.com](mailto:peterbe@microsoft.com).

Respectfully submitted,

Microsoft Corporation



Peter Becker  
Assistant General Counsel