



Comments of **MARQUES, the Association of European Trade Mark Owners
on the Proposed Implementation of GNSO Policy Development Process (PDP)**

**Recommendations on Locking of a Domain Name
Subject to UDRP Proceedings - Revised UDRP Rules**

MARQUES thanks ICANN for the opportunity to comment on the issue of the Proposed Implementation of GNSO Policy Development Process (PDP) Recommendations on Locking of a Domain Name Subject to UDRP Proceedings - Revised UDRP Rules

Introduction to **MARQUES**

MARQUES is the European association representing brand owners' interests. The **MARQUES** mission is to be the trusted voice for brand owners. **MARQUES** unites European and international brand owners across all product sectors to address issues associated with the use, protection and value of IP rights, as these are vital to innovation, growth and job creation, which ultimately enhance internal markets.

MARQUES membership crosses all industry lines and includes brand owners and trademark professionals in more than 80 countries representing billions of dollars of trade annually. The trade mark owners and practitioners represented by **MARQUES**, together, own more than three million domain names and advise organisations of all sizes on rights protection in the domain name system. These domain names are relied upon by consumers across Europe as signposts of genuine goods and services.

More information about **MARQUES** and its initiatives is available at www.marques.org.

****MARQUES** comments on the Proposed Implementation of GNSO Policy Development Process (PDP) Recommendations on Locking of a Domain Name Subject to UDRP Proceedings - Revised UDRP Rules**

As an association of trade mark owners who often resort to the Uniform Domain Name Dispute Resolution Policy (UDRP) as a rights protection mechanism, **MARQUES** supports ICANN's efforts to clarify and standardise the process for locking of a domain name subject to UDRP proceedings, and welcomes the opportunity to comment on the revised UDRP Rules.

After having reviewed the revisions made, we respectfully propose several enhancements listed below in order to achieve greater clarity and efficiency throughout the process.

1. We note that the revised rules require further clarification in terms of the time limits they impose on parties since, currently, different standards are being used in various steps of the process, or there is a lack of clarity about the standard to be applied. For example, in paragraph 4(b), in relation to the locking process, the time limit is defined in “business days”, whereas in other sections there are references to “calendar days” and even just “days”.

In order to achieve clarity and taking into account of the fact that a notice might be received by a Registrar or the Provider during a non-working weekend, we suggest that where the time limit is specified in business day terms, a calendar day alternative is added. For example, paragraph 4(b) should read “Within two (2) business days or three (3) calendar days, whichever is ending sooner, 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.”

2. In paragraph 4(a), to ensure the Provider submits the verification request in a timely manner upon receiving the Complaint, we suggest addition of a time limit within which the Provider must submit the verification request to the Registrar.

3. We suggest that the second sentence of paragraph 4(b) is amended to read “The Registrar shall not notify the Respondent or any third party of the proceeding until the Lock status has been applied.”

4. In paragraph 4(c) it appears to be the intention that the Provider will not forward the Complaint to the Respondent until after the Registrar has locked the name, however this is not actually specified. It would be advisable to clarify this point.

5. In paragraph 16(b), a time limit within which the Provider must publish the full decision should be added.

6. In paragraph 17(a)(v) we would recommend an amendment for clarity to the effect that “the Registrar shall remove the Lock within [two (2) business days] provided that this does not conflict with any agreement to the contrary agreed between the Parties as part of their settlement, as notified by the Provider pursuant to paragraph 17 (a)(iv).”

Thank you for your consideration of the above suggestions. We look forward to the finalised UDRP rules which set out a clear and efficient process for all parties involved.

Yours sincerely,

Submitted on behalf of **MARQUES**

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Caroline Perriard

Chair of **MARQUES** Cyberspace Team