

Input on the Draft Applicant Guidebook for the new Generic Top-level Domains (gTLDs)

About NetNames

NetNames has been in business for more than 10 years, is part of London listed Group NBT plc and is an ICANN accredited registrar, with the additional ability to register domain names in all available suffixes worldwide. NetNames therefore provides comprehensive coverage of country code TLDs (ccTLDs) such as .de, .es and .fr.

Our specialism is in supporting organisations and Intellectual Property professionals to implement and maintain an effective domain name management and internet brand protection strategy. Following the acquisition of Ascio Technologies in January 2007, NetNames became Europe's largest domain name management specialist.

As experienced, professional providers of domain name management solutions, we have strong views about the new gTLDs. In addition to our own experience in the business, we have consulted with our customer base which represents a significant proportion of the world's major brand owners. On the basis of their input and our own experience, we are pleased to submit comments relating to the Draft Applicant Guidebook for new gTLDs.

Overview

We understand that ICANN is firmly committed to implementing its new TLD program in 2009. However, whilst we appreciate the argument that there is value in providing end users with competition and choice in domain names, we believe that there are substantial questions that are not fully answered and outstanding issues remaining to be addressed. Primarily, these relate to: a question over the actual demand for such a broad initiative; a question over the likely effectiveness of ICANN's approach in meeting their stated objectives; and, most importantly, ensuring that cost-effective protection of existing rights-owner's intellectual property is possible.

Cost-effective protection of Intellectual Property

Assuming ICANN does proceed to launch with any number of new TLDs, which are essentially open to all, the primary concern of our clients and ourselves is that we should not be required to repeatedly jump through the same or similar hoops to protect the same trademarked terms, time after time. The sunrise periods used in TLD periods to date have provided some protection, albeit with varying levels of efficiency and effectiveness. However, their repeated application in a series of new TLDs is simply not economical or practical. To this extent, we were encouraged by Paul Twomey's remarks in Cairo relating to the prospect of creating a form of ICANN supported or sanctioned database of trademarked terms, specifically for the purpose of pre-registering IP rights in order to then protect these within the proposed new gTLDs.

With respect to the UDRP, ICANN needs to recognize that the UDRP is unlikely to remain an effective remedy for brand holders in the context of tens, hundreds or even thousands of new TLDs. It is simply not a sufficiently efficient process to rely on to deal with the expansion of the name space to the extent that ICANN envisages.

Reliable contact database (WHOIS)

ICANN's commitment to supporting and enforcing a reliable, accurate and secure contact database for domain names needs to be clearly and unequivocally laid out. It is our view that the fragmentation of the WHOIS database which was previously allowed to take place in the so-called thin registry model substantially undermined the ability of Intellectual Property and law enforcement professionals to undertake comprehensive, so called reverse WHOIS lookups, in order to establish patterns of illegitimate activity.

ICANN has an opportunity with the proposed introduction of new TLDs to implement best practice and to ensure that accurate details are recorded in a single database which is mandatory, enforceable and available for the purposes of Intellectual Property protection.

Demand

It is conceivable that interesting and creative applications for new gTLD strings may emerge; including for the purpose of extending and developing the brand or product range of major business. However, prior to ICANN's announcement on the new gTLDs, this was not something we had received expressions of interest on. Indeed typical current views from our client base perceive the proposed new TLDs as being "useless", "too costly" and simply an "additional administrative and financial burden".

Multiple rounds of new TLDs

The lack of clarity over prospective successive rounds of additional new TLDs is an additional source of concern. ICANN needs to be much clearer about how you envisage that the process will evolve in future. Successive rounds of new TLDs with indeterminate breaks between are likely to create artificial pressures. ICANN needs to be clear on how and when future rounds will take place or whether it will simply be a continuously open process.