

**INTA Internet Committee Comments on
New gTLD Program: IDN Variants
April 1, 2010**

The Internet Committee of the International Trademark Association (INTA) is pleased to provide the following comments on: New gTLD Program: IDN Variants

I. Process Concerns

As of the April 1 due date of this submission, ICANN has issued nineteen separate topics for public comment, with nine topics closing for comment on the same day. This overload of information, especially under the short deadlines, has significantly curtailed the public's ability to provide meaningful evaluation and input on the issues under consideration. The Committee continues to strongly encourage ICANN to reassess and restructure its public comment process to enable it to adequately consult the public as it is required to under the Affirmation of Commitments.

II. Recommendations

The Internet Committee believes the draft proposal is very clearly presented, and offers the following recommendations:

1. We suggest that the applicants' of IDN gTLDs should also be required to provide the meaning of the string in its native language, in order to avoid confusion with the usage of a similar string in other related languages using similar or the same script. For example, several Arabic and Urdu words have different meanings, while there are still some words in the two languages that have the same meaning.

This requirement may be inserted as an addition to the other seven requirements listed in Paper 1.

2. The Committee concurs with the other seven requirements enumerated in Paper 1.
3. In Section 1.3.1 (Subsection 5) we suggest deletion of the word "visually" and the addition of the word "confusingly" to clarify that the similarities to be considered are not restricted to "visual similarities"

"Applicants are urged to consider linguistic and writing system issues in their work of defining variant characters, and cooperate with other TLD operators that offer domain name registration with the same or visually confusingly similar characters."

4. In Section 1.3.2 we suggest insertion of a provision which provides applicants an opportunity to identify and request additional Desired Variants at a later time. This was also recommended by the IDN-Implementation Working Team.

5. The Committee is in agreement with other provisions of 1.3.2. Particularly, the Committee agrees that priority rights for new strings on the top-level should not derive from existing strings. The Committee believes that if a trademark dispute arises on account of relevant facts arising in a given case, recourse to a civil action should be available.

Thank you for considering our views on these important issues. Should you have any questions regarding our submission, please contact External Relations Manager, Claudio Digangi at: cdigangi@inta.org

About INTA & The Internet Committee

The International Trademark Association (INTA) is a more than 131-year-old global organization with members in over 190 countries. One of INTA's key 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 served as a leading voice for trademark owners in the development of cyberspace, including as a founding member of ICANN's Intellectual Property Constituency (IPC).

INTA's Internet Committee is a group of over two hundred 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.