Initial AT&T Discussion Points: IRT Preliminary Report

A. IP Clearinghouse (IPC), Globally Protected Marks List (GPML)

1. It is unclear whether a separate TM list is being created from the Top Level Watch Request for the watch service, apart from the GPML. Request clarification and propose adding if it was omitted. TM Reserved list may be used here for watch purposes.
2. The fee for validating/maintaining GPML list should be reasonable, e.g. $50-$200/year.
3. Consider limiting IPC's role to managing TM list/watch service list and GPML, allowing existing watch services to perform this function. IPC could sell lists or at least GPML to watch services.
4. How did IRT develop GPML requirements (which seem too high)? Consider lowering requirements and defining further any minimum number of registrations required for each ICANN geographic region, e.g., current draft allows for 1 each in all regions except one which contains 199 or 299.
5. GPML does not protect against variations which simply add onto the GPM, e.g. AT&T and AT&T Telephone. This diminishes value of GPM.
6. How did IRT develop "a probability of detrimental user confusion" standard? Or how is this applied with the String Similarity Algorithm?
7. IP Claims Service for GPMs protection to 2d level domain doesn't cover other probable detrimental user confusion caused by variations like typo squatting or adding generic terms. Perhaps "identical match" can be expanded.
8. For both top level and second levels, once a TM owner uses IPC, the burden of blocking applications for gTLDs is placed on the tm owner. Perhaps shift burden to applicant by blocking all gTLDs identical to marks registered with IPC with a higher burden on applicants to overcome for GPMs.
9. ICANN should remain responsible and accountable for such services and serve as a last resort provider.

B. Uniform Rapid Suspension System (URS)

1. What was the model for URS?
2. How does IRT or will IRT define "no genuine question" of infringement or abuse?
3. During the pre-registration process, isn't the TM information the same as what is given to the IPC, GPML and watch service? If so, why not synchronize pre-existing information?
4. Favor lower fees since the purpose is to provide quicker resolution of abusive situations and the result is a suspension and not transfer of the gTLD.
5. Please explain the rationale for allowing a Default Answer which expires when the gTLD expires.

6. Is there any concern about a legal or business conflict of interest of using the same neutrals who are UDRP panelists? Perhaps prevent a neutral from serving both roles at the same time.
7. Why is there a higher stander for decision than a UDRP since this has no precedential or binding effect and only suspends the gTLD?
8. Please explain further the URS ombudsman which appears to draw upon the ICANN version which apparently isn't effective or utilized well.
9. Why or how did the IRT settle on 3 as the number of abusive complaints meriting a bar to use of URS?
10. The flow chart is missing the Complainant Appeal of an Abusive decision. Does the box labeled "Appeal (takedown removed)" include a Default Answer? If not, this is missing from the chart.
11. Skeptical about public acceptance of URS done by private entity. Can it be done under ICANN which can outsource but keep within the organization?
12. Eventually need to see missing exhibits containing forms.

C. Post-Delegation Dispute Mechanism

1. Support any type of feasible mechanism to hold abusive registrar or registry actions accountable such as this proposal.
2. Although current abuses may be isolated to a few, favor not relaxing registry/registrar separation rules.

D. Thick Whois Model

AT&T endorses this proposal.

E. String Confusion Algorithm Review During the Initial Evaluation

AT&T endorses the proposed use of the algorithm and ask for capability to look at other confusing variations.

F. Prioritization of Remaining RPM Proposals

The IRT "briefly" identified eleven proposals that warrant further consideration than was provided in the Preliminary Report. With respect to these, AT&T recommends prioritizing: (1) phased implementation; (2) the creation of a special status in the application process for ".brand" type TLDs; and (3) priority of IDN equivalent to holders of 2d level domain names existing gTLDs. The IRT should continue to examine the remaining proposals, and incorporate, where appropriate, salient aspects (such as cost shifting, verification, etc.) in to any adopted solution.