

July 6, 2009

Registrar Constituency Position on IRT Final Report Regarding Trademark Protection Issues

BACKGROUND

In June 2009, the Registrar Constituency ("RC") was asked to provide feedback regarding the Implementation Recommendation Team's Final Report on Trademark Protection Issues ("IRT Report"). This Position Paper captures the overall sentiment expressed by the RC Members who provided feedback about this matter. Due to time constraints, however, no formal vote regarding this Position Paper was taken.

RC POSITION

The RC supports the timely introduction of new gTLDs. The RC believes the introduction of new gTLDs will have a positive effect on the ICANN community. The RC recognizes, however, that trademark concerns exist with respect to their introduction and it appreciates the tremendous amount of work that the IRT has done in attempting to address these concerns.

The RC supports the spirit of the IRT. Individual RC Members, however, have expressed concern regarding some of the proposed protection mechanisms in the IRT Report. Because these concerns are somewhat varied among registrars, RC Members intend to submit comments individually.

Additionally, some RC Members have expressed concern regarding the process used in developing the IRT Report. Notwithstanding the IRT's good faith intentions, these RC Members believe that the process employed in developing the IRT Report is not consistent with the bottom-up consensus process to which ICANN is committed. These RC Members note that the IRT process, however well intended, has taken a largely top-down approach.

CONCLUSION

The opinions expressed by the RC in this Position Paper should not be interpreted to reflect the individual opinion of any particular RC member.