



Comments on the Trademark Post-Delegation Dispute Resolution Procedure

The Coalition Against Domain Name Abuse (CADNA) is grateful for the opportunity to provide comments on the Trademark Post-Delegation Dispute Resolution Procedure (Trademark PDDRP).

To begin, CADNA wishes to make a general point regarding resolution procedures. The Coalition recognizes that the PDDRP is designed to let trademark holders take action against entire registries for systematically registering infringing domain names, not just for those that happen to have some infringing domain names in their gTLD. While CADNA acknowledges that having this specialized process in place will be very useful, it would also like to take this opportunity to stress how important it is for there to be an additional mechanism in place for trademark owners to pursue individual infringements. Ideally, there should be a policy to prevent gTLD operators from allowing trademark-infringing domain names to be registered in the first place.

One requirement set forth in the PDDRP is that all submissions and proceedings must be done in English, and parties may submit supporting evidence in their native language only if approved by the panel. This requirement seems prohibitive. Given the global scope of the Internet, it seems to violate the spirit of equal access and inclusiveness to bar trademark owners from being able to participate in this process in their native languages.

CADNA supports the idea of the PDDRP Provider performing a “quick look” review of all complaints in order to screen for frivolous complaints, and is encouraged to see that this measure was added in as a response to feedback from the public. Once the process has been further developed, CADNA looks forward to learning about the details of the quick look process and the standards to which the complaints will be held.

CADNA also believes that it would be beneficial for the PDDRP to provide a more detailed description of what constitutes a pattern of bad faith intent on the part of registries. Specifically, the Procedure should define a clear threshold at which the registration of infringing domains will be considered systematic. A concrete clarification of how many infringements is enough to be considered a pattern will benefit both trademark owners and registry operators, and could potentially cut down on the number of PDDRPs that need to be conducted in the future.

Finally, CADNA would like to call into question whether or not it is wise for different PDDRP Providers to operate under different rules. It seems that the potential disparities that could arise across Providers could prove detrimental to the PDDRP process overall. Additionally, equality across Providers will make the entire PDDRP process fairer for all participants.