



FÉDÉRATION INTERNATIONALE DES CONSEILS
EN PROPRIÉTÉ INTELLECTUELLE

INTERNATIONAL FEDERATION OF
INTELLECTUAL PROPERTY ATTORNEYS

INTERNATIONALE FÖDERATION
VON PATENTANWÄLTEN

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Working Group of the Generic Names Supporting
Organisation
ICANN

via email: udrp-locking@icann.org

RE \\\ Preliminary Issue Report on Uniformity of Contracts to Address Registration Abuse

Dear Sirs,

I have pleasure in attaching FICPI's response to the above-mentioned subject.

Yours faithfully

Julian Crump
FICPI Secretary General

Enc.



14 August 2012

Preliminary Issue Report on Uniformity of Contracts to Address Registration Abuse

FICPI, the International Federation of Intellectual Property Attorneys, broadly representative of the free profession having more than 5000 members from more than 80 countries world-wide, provides the following comments on the Preliminary Issue Report on Uniformity of Contracts to Address Registration Abuse (hereinafter the “Report”):

FICPI welcomes and supports the idea of having a “Uniformity of Contracts to Address Registration Abuse” policy. In particular if the goal is not to change the present UDRP, but to assist in the creation and interpretation of Registry/Registrar Agreements, as well as to provide a trademark owner the possibility of referring to a breach of contract between a Registry and a Registrar or between a Registrar and a Registrant/ Domain name holder wherever in the world the disputed domain name is registered.

FICPI notes the RAPWG list of 11 types of abuses: Cybersquatting; Front-running; Gripe sites; Deceptive and/or offensive domain names; Fake renewal notices; Name spinning; Pay-per-click; Traffic diversion; False affiliation; Cross-TLD Registration Scam; Domain kiting / tasting, although these are only examples of registration abuses. FICPI points out the importance of the above list being indicative but not exhaustive.

As stated in the Report, uniformity of contracts is a simple concept and is applied in a variety of industries around the world. In fact, the abuse provisions in existing both gTLD and ccTLD Registry/Registrar Agreements are similar insofar that most of them contain some sort of abuse and/or take down provision.

FICPI agrees that having a policy relating to “Uniformity of Contracts to Address Registration Abuse” would generally assist all parties on the market, would create legal certainty and would simplify and lower the costs of proceedings for all stakeholders.

Finally, FICPI would like to stress the importance to make it clear that any list of possible abuses in the “Uniformity of Contracts to Address Registration Abuse” shall be indicative and in no way considered as exhaustive or a limitation of what kind of abuses that may be considered in a UDRP or similar domain dispute policy.

IMPORTANT NOTE:

The views set forth in this paper have been provisionally approved by the Bureau of FICPI and are subject to final approval by the Executive Committee (ExCo). The content of the paper may therefore change following review by the ExCo.