

October 30, 2007



Generic Names Supporting Organization
Internet Corporation for Assigned Names and Numbers
via e-mail: whois-comments-2007@icann.org

RE: Comments of RE/MAX International, Inc. on the “Staff Overview of Recent GNSO Whois Activities” and the Pending Motions before the GNSO Council

RE/MAX International is pleased to respond to the request for comments on the October 11, 2007 GNSO Whois Task Force “Staff Overview of Recent GNSO Whois Activities,” available at <http://www.gns0.icann.org/drafts/icann-staff-overview-of-whois11oct07.pdf>.

About RE/MAX International

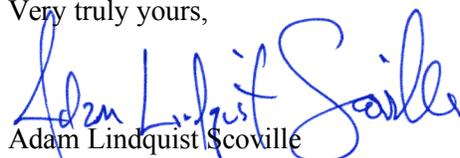
RE/MAX International is the owner of the famous “RE/MAX” trademark and the RE/MAX balloon design. Based in Denver, Colorado, RE/MAX International franchises a network of more than 7,000 real estate brokerages, with over 100,000 affiliated real estate agents in more than 65 countries. No one in the world sells more real estate than RE/MAX.

Open Whois Access Is Important Not Only to the Prevention of Infringement and Cybersquatting, but also to Avoid Unnecessary Legal Action Against A Company’s Own Affiliates

Trademark owners and associations have detailed the critical needs of trademark owners to identify, contact, and take action against unauthorized, abusive domain name registrations in numerous comments to ICANN. Trademark infringement is, by definition, behavior that is likely to confuse or deceive consumers, so there is a strong public interest in trademark owners being able effectively to prevent infringement, cybersquatting, and fraudulent schemes like phishing.

Franchise owners, however, also need Whois information to verify the legitimacy of a domain registration by an affiliate and to resolve issues over inappropriate registrations on an informal basis. Oftentimes, it is necessary for RE/MAX to see not only the registrant’s name, but also its address in order to determine if the registration is: a) a compliant registration by a RE/MAX affiliate; b) a registration by a RE/MAX affiliate that does not follow our requirements; or c) a registration by an unauthorized party. Any proposal, such as the Operational Point of Contact (OPoC) proposal, that might require a franchisor to file suit, only to determine that a domain owner is one of its own franchisees, is completely impractical, in terms of wasted cost and damaged relationships with one’s franchisees. Of course, completely eliminating Whois would result in even greater harm. The Whois debate has labored at ICANN for a long time, and the deadlock, despite constructive work by participants on all sides of the debate, suggests that a new approach is needed. Hopefully, with more concrete information, ICANN can design a solution to address specific problems in non-controversial ways. If Whois-linked spam is the problem, for example, then perhaps technical measures to limit automated data-mining of Whois query results would be productive. For these reasons, the GNSO Council should reject motions 1 and 3 and adopt motion 2.

Very truly yours,


Adam Lindquist Scoville
Corporate Counsel

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