

Dear all,

Introduction-- The ICANN Board recently resolved to leave unchanged the protections it has provided to the Olympic and Red Cross names at the top level in Section 2.2.1.2.3 of the Applicant Guidebook. That Section of the Applicant Guidebook is based on the ICANN Board's Singapore resolution to protect the Olympic and Red Cross names, and will govern the first round of generic Top Level Domain applications, soon to be revealed. It may be modified in the future, based upon experience.

The Drafting Team's present task is to implement the Governmental Advisory Committee's proposal for protection at the second level of new generic Top Level Domains. This proposal, as implemented, should complement the protection at the top level.

At our last Drafting Team teleconference, the group members identified four key questions, the answers to which will inform our discussion about protecting the Olympic names at the second level of new gTLDs.

1. How significant is the problem posed by unauthorized registrations of Olympic domain names?

Every month, hundreds of unauthorized persons register Olympic domain names at the second level. The attached search reports, taken from two representative months in 2011, show hundreds of unauthorized second-level Olympic domain name registrations. Even though this is a violation of national laws protecting the Olympic marks, cybersquatters continue to prey upon the Olympic marks, and the demand for Olympic domain names continues unabated. This infringement is currently taking place in the 22 existing top-level domains. If the number of top-level domains is increased by 500 to one thousand, there will undoubtedly be a corresponding increase in unauthorized registrations of Olympic domains at the second level.

These unauthorized registrations--often for pornographic, gambling or auction sites--dilute and tarnish the Olympic trademarks, and attempt to exploit for commercial gain the good will created by the Olympic Movement. The unauthorized domains already oblige the IOC and its National Olympic Committees to expend significant amounts of time and money on monitoring and enforcement activities.

2. Why are the existing Rights Protection Mechanisms inadequate to address this harm?

The sheer volume of unauthorized registrations renders the Rights Protection Mechanisms costly, burdensome, and ineffective. In the year 2000, the IOC filed an action under the U.S. Anti-Cybersquatting Consumer Protection Act against 1,800 unauthorized Olympic domain names. (See attached Complaint.) Although the suit resulted in a judgment in the IOC's favor, and almost all of the unauthorized domain names were canceled, the cybersquatters returned, registering hundreds more unauthorized Olympic domains every month (see the attached monthly monitoring reports). If hundreds or thousands of infringing, unauthorized Olympic domain names are registered at the second level in 500 to 1,000 new top level domains, the cost of monitoring and attempting to curtail the rampant infringement of the Olympic marks would be prohibitive.

The least expensive Rights Protection Mechanism, the Uniform Rapid Suspension system, would cost an estimated \$300 to \$500 per proceeding; given the burgeoning number of unauthorized Olympic second level domain names, URS proceedings would cost hundreds of thousands of dollars every year. If one adds the cost of time expended by attorneys and other personnel required to monitor the infringing domains and bring enforcement actions--an undertaking that would require a full-time staff dedicated solely to that task--it becomes apparent that enforcement through this rights protection mechanism would be prohibitively expensive.

The *sui generis* legislation that the GAC has cited single out the Olympic Movement for protection because governments have recognized the Olympic Movement's unique visibility and heightened risk of infringement. Ordinary trademark rights protection mechanisms would divert the Olympic Movement's resources away from its mission.

Thus, the Rights Protection Mechanisms would be outstripped by the volume of infringing second-level Olympic domains; that is why they are inadequate to address the harm.

3. What effect would the limited protection proposed by the GAC have on addressing the harms identified?

We agree that the current proposal, protecting against identical matches of OLYMPIC and OLYMPIAD, would not, at first, cover all infringing second-level domain name registrations. But this initial protection in 500 to one thousand new top-level domains would prevent registration of as many as two thousand Olympic domain names. That alone is a great benefit. The scope of protection at the second level could be evaluated and modified based on experience. And new registries can be encouraged to provide broader protection of similar strings and protection in additional languages.

4. To what extent does the IOC have registrations of the OLYMPIC and OLYMPIAD marks in the six United Nations languages?

The table below illustrates protection of the Olympic marks in trademark registrations. We are still working to identify registration numbers in Arabic and Russian, and will supplement them below as soon as possible.

Language	Protection	Word(s) Protected
English	U.S. Trademark Reg. No. 2,777,890	Olympic
	New Zealand Reg.No. 810307	Olympiad
	U.K. Reg.No. 2340841	Olympiad
Chinese	Chinese Trademark Reg.No. 623897	Olympic (奧林匹克)
	Chinese Trademark Reg.No. 623896	Olympiad (奧林匹亞)
	Chinese Trademark Reg.No. 623898	Olympic Games (奧林匹克運動會)
French	Swiss Trademark Reg.No. P408297	Olympique
	Swiss Trademark Reg.No. P410106	Olympiade
Spanish	Spanish Trademark Reg. No. MO796125	Juegos Olimpicos
	Spanish Trademark Reg. No. MO795576	Olimpiada
Arabic	TBD	TBD
Russian	TBD	TBD