



New gTLD Subsequent Procedures

Work Track 3 | 09 January 2018 | 15:00 UTC

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Legal Rights Objections

Legal Rights Objections

Highlights From Prior Discussions

- ❖ The WT considered statistics related to this objection ground.
- ❖ Few concerns identified with the policy language and the AGB language.
- ❖ Some issues were raised regarding the scope of the objection, particularly related to the basis of infringement, which requires proving usage (difficult to do for a pending application). Intended purpose could be taken into account, but this would require that intentions are binding (included in base agreement). Potential ramifications include creating a process to deal with changes, enforcement, etc.
- ❖ The WT discussed a strawman proposal redlining section 3.2.2.2. The strawman proposes changing “infringed” to “abused,” which some WT members consider a significant change. Questions were also raised about the problem that the proposal was seeking to solve. No consensus has yet been reached on the proposal.

Legal Rights Strawman

<https://community.icann.org/display/NGSPP/2017-02-07+New+gTLD+Subsequent+Procedures+PDP+Work+Track+3?preview=/63157176/64067212/7.2.5%20Legal%20Rights%20Objection%20-%20Strawman%20Edits.pdf>

String Confusion Objections

Registries String Confusion Proposal

- ❖ Single String Confusion Objection to be filed against all applicants for a particular string, rather than requiring a unique objection to be filed against each application.
- ❖ A single objection would extend to all applications for an identical string.
- ❖ A tiered pricing structure for objections sets that encompass multiple applications. Each applicant for that identical string would still prepare a response to the objection.
- ❖ The same panel would review all documentation associated with the objection. Each response would be reviewed on its own merits to determine whether it was confusingly similar.
- ❖ The panel would issue a single determination that identified which applications would be in contention. Any outcome that resulted in an indirect contention would be explained as part of the response.
- ❖ A limited appeals process should be available to both the objectors and the respondents to handle perceived inconsistencies.

String Confusion Objections

Outstanding Questions From Previous Discussions

- ❖ Is consolidation of objections in inherently unfair in anyway?
- ❖ How to proceed if the objector is an existing TLD operator? Are special considerations/guidelines needed?

Next Steps / Action Items