

## #17

**COMPLETE**

**Collector:** Web Link 1 (Web Link)  
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Page 1

**Q1** Proponent's Full Name\* If this proposal is jointly developed by more than one Working Group member, please write the full names of all proponents involved.

Marie Pattullo (AIM - European Brands Association)

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**Q2** What type of URS recommendation are you proposing? **Policy**

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**Q3** What URS recommendation are you proposing?\* Please be succinct as well as substantially specific and not general in nature.\* One proposal for one recommendation only.

That the suspension period be extended from one to five years.

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**Q4** What is your rationale for the proposal? (250 words max)

The basis for the URS is rapid suspension of names that clearly infringe the rights of a trade mark owner. However, given the timeframe for the action, such names can rapidly be re-registered by the same, or another, infringer. A longer suspension period would prevent opportunistic infringers from simply monitoring URS cases and immediately registering such names when they are no longer in suspension: the simple fact that there has been a URS case will be regarded as evidence that this name is important to the right owner. This is a consumer protection issue: end-users must not be duped into believing that the name will resolve to the right holder's site.

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**Q5** What evidence do you have in support of your proposal? Please detail the source of your evidence. (250 words max)

The URS is clearly not being systematically abused by Complainants, given that of the 827 URS cases decided through end-2017, in only 59 did the Complainant not prevail (e.g. Super Consolidated URS Topics Table, C(3)). Part of ICANN's role is to protect the DNS against gaming (such as the registering of previously suspended names for bad faith purposes) at the expense of "clean" contracted and non-contracted parties, registrants, end-users and consumers. Relying on defensive registrations is not an acceptable business model; neither is one predicated on deliberately confusing or misleading consumers. A longer suspension period is justified to maintain a clean DNS.

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**Q6** Where and how has this issue been addressed (or not) by the Working Group or the Sub Teams to date? (250 words max)

Super Consolidated URS Topics Table, F (Remedies), (2) (Duration of Suspension).

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**Q7** Does the data collected and reviewed by the Sub Teams show a need to address this issue and develop recommendations accordingly? (250 words max)

The Documents Sub-Team's draft policy recommendation is that "the question of adequacy and scope of remedies be deliberated among the full WG".

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**Q8** If not already addressed above, on the basis of what information, gathered from what source or Sub Team, is this proposal based, if any? Please provide details. (250 words max)

See above.

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