

New gTLDs: Trademark Protections

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At-Large

ICANN “standard” model for policy implementation

- Solicit expert opinion
- Create implementation based upon:
 - Policy recommendation
 - Expert advice
- Solicit public comment / feedback
- Iterate implementation model
- Solicit public comment / feedback

Trademark protections

- Policy states that new TLDs should not infringe rights of others
- Policy essentially silent on implementation details (no consensus)
- IP Constituency urged that Guidebook include some specific protections
- Board formed IRT to provide “expert advice”

“Standard” process for Trademark protections

- IRT Report and others (expert advice)
- Public comment period
- Sydney, New York, London consultations
- Model synthesis: New gTLD Guidebook draft
- Public comment and iterations

IRT recommendation areas

(adoption subject to public comment and consultation)

- IP Clearinghouse
 - IP Claims mechanism
 - Sunrise process
- Uniform Rapid-Takedown System
- Post delegation dispute model
- Globally Protected Marks List (GPML)
- Thick Whois
- TLD String Similarity Examination (“algorithm usage”)

Working Towards Consensus

- Participation and areas of agreement among several groups on some issues
 - Intellectual Property representatives
 - Some gTLD registries & registrars
 - Some Business representatives
 - Some non-commercial and at-large
- Discussion often about “how” and not “if”

At-Large / NCUC Response

- Strongly support the creation of new gTLDs
- The GPML
- Uniform Rapid Suspension Service (URS) issues, e.g., insufficient time for notice
- Thick Whois requires privacy analysis consider:
 - International Privacy Standards,
 - 1980 OECD Guidelines,
 - Privacy Convention 108,
 - EU Data Protection Directive.
- String confusion

Thank You