

December 15, 2009

Via E-Mail

Peter Dengate-Thrush, Chairman of the Board
Rod Beckstrom, President & CEO
Internet Corporation for Assigned Names and Numbers (ICANN)
4676 Admiralty Way, Suite 330
Marina del Rey, CA 90292-6601

Dear Chairman Thrush and President Beckstrom:

The members of the former IRT unanimously support the work and results of the STI process, which provide consensus support from a broad range of stakeholders to two critical recommendations of the IRT report.

First, the STI recommends the creation of a Trademark Clearinghouse to reduce the expense and inconvenience of making multiple filings of rights information for use in IP Claims or Sunrise Registration Periods during the launch of the new gTLDs. The Clearinghouse proposed by the STI allows for the recordation of data relating to all national and multi-national trademark rights, and common law rights that have been verified by the courts. We note that the Clearinghouse in itself is not a rights protection mechanism (RPM), but merely a database[s], that facilitates the RPMs of IP Claims or Sunrise registrations, which are a mandatory part of the STI proposal. The STI proposal provides a notice, carefully crafted jointly by NCSG and IPC representatives, for use with IP Claims, which would avoid any "chilling effect" related to such claims. The Clearinghouse proposed by the STI should be adopted as a mandatory practice by ICANN for all new gTLDs.

Second, the STI recommends that creation of a mandatory Uniform Rapid Suspension (URS) system for clear instances of online abuse, providing a relatively quick remedy in which the abusive domain name becomes disabled. Again, the provisions proposed by the STI largely follow the IRT proposal, with added provisions jointly crafted by NCSG and IPC representatives to balance the need for rapid take-down of bad faith domain name use with the need to protect the legitimate interests of good faith registrants. We think the STI has found an appropriate balance of these interests. The URS proposed by the STI should also be adopted as a mandatory practice by ICANN for all new gTLDs.

While these recommendations are welcomed, some of us think that they, alone, do not resolve all of the concerns relating to the overarching issue of trademarks and that additional measures should be explored and adopted.

We commend the members of the STI for their dedication, hard work and conscientious efforts on a tight schedule set by the ICANN Board. We feel uniquely positioned to empathize.

Yours sincerely,

Caroline G. Chicoine
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