

Report of Public Comments

.MADRID - Introduction of Two Approved Launch Programs

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Section I: General Overview and Next Steps

On 11 November 2014, the Comunidad de Madrid's applications for two Approved Launch Programs ("Public Administrations Program" and "Parallel Sunrise Program") pursuant to Section 4.5.2 of the Trademark Clearinghouse Rights Protection Mechanism Requirements (the "[TMCH Requirements](#)") for its .MADRID TLD were posted for public comment. As set forth in its application, the Public Administrations Program would allow certain public authorities to register domains associated with their names and services prior to Sunrise. The Parallel Sunrise Program would allow local trademark holders who are not in the Trademark Clearinghouse to participate in the Sunrise Period. The proposed intent of the Public Administrations Program is to allow relevant Public Authorities with competences over and/or legal seat in the Region of Madrid (Comunidad de Madrid) to register names subject to the Eligibility and Name Selection requirements set forth by the Comunidad de Madrid. The stated intention of the Parallel Sunrise Program is to allow the conducting of a Sunrise Period where valid local trademarks with effect in the Region of Madrid, even if not registered in the Trademark Clearinghouse, may be allocated with the same priority as those trademarks in the Trademark Clearinghouse.

Section 4.5.2 of the TMCH Requirements provides that a Registry Operator may, prior to the start date of its Sunrise Period, apply to ICANN to conduct an "Approved Launch Program." If approved by ICANN, an Approved Launch Program allows a Registry Operator to conduct a registration process not otherwise permitted under the TMCH Requirements. Once a Launch Application is submitted to ICANN, ICANN reviews and analyzes the application pursuant to the Approved Launch Program Application Review Guidelines (the "Guidelines"). The Guidelines set forth ten factors ICANN takes into consideration during its analysis and review prior to reaching a final decision.

To assist ICANN with evaluating a Launch Application against the Guidelines, ICANN may submit the Launch Application for public comment. Specifically, with respect to the two Approved Launch Program applications submitted by the Comunidad de Madrid for .MADRID TLD, ICANN sought public

comment regarding several factors, including:

- how these launch programs could affect consumer confusion;
- the potential impact of the launch programs on intellectual property rights;
- the risks, if any, of there not being a specified number of domain names that could be registered under these launch programs;
- whether other means of achieving the stated objectives of these launch programs exist, such as through a Limited Registration Period and/or a Qualified Launch Program.

Next Steps

After reviewing the public comments submitted, ICANN has determined to deny the Launch Application relating to the Parallel Sunrise Program for the .MADRID TLD because (i) there is no limitation on the number of domain names that could be registered under the Parallel Sunrise Program, (ii) the Parallel Sunrise Program could be viewed as impairing intellectual property rights and (iii) the objectives of the Parallel Sunrise Program could be achieved through other means, such as by implementing a Limited Registration Period for local trademarks or directing those who have interest in .MADRID TLD to register their trademarks with the Trademark Clearinghouse in order to participate in .MADRID's Sunrise Period.

With respect to Registry Operator's Public Administrations Program, Registry Operator has informed ICANN that, in light of the concerns raised by the public comments, it will be submitting a revised Public Administrations Program application to ICANN that will include additional safeguards. If and when the revised Public Administrations Program application is received, ICANN will consider the revised application in light of the public comments and determine how to proceed.

Section II: Contributors

At the time this report was prepared, a total of six (6) community submissions had been posted to the Forum. The contributors, both individuals and organizations/groups, are listed below in chronological order by posting date with initials noted. To the extent that quotations are used in the foregoing narrative (Section III), such citations will reference the contributor's initials.

Organizations and Groups:

Name	Submitted by	Initials
eBrand Services S.A.	Lutz Berneke	BS
Marques	Alan Ramsay	M
Intellectual Property Constituency	Kristina Rosette	IPC
International Trademark Association Internet Committee	Kathryne E. Badura	INTA
Business Constituency	Steve DelBianco	BC
Comunidad de Madrid	Comunidad de Madrid Team	CM

Section III: Summary of Comments

General Disclaimer: This section is intended to broadly and comprehensively summarize the comments submitted to this Forum, but not to address every specific position stated by each contributor. Staff recommends that readers interested in specific aspects of any of the summarized comments, or the full context of others, refer directly to the specific contributions at the link referenced above (View Comments Submitted).

Six comments were received for the two Launch Applications requested by the Comunidad de Madrid. Five of the comments received were opposed to the two Launch Applications, and one of the comments submitted is from the Comunidad de Madrid in response to the concerns raised by the community. The comments can be summarized as follows:

Concerns Raised on the Public Authority Program

Four of the comments expressed their concern regarding the Public Administrations Program requested by .MADRID as it could lead to abuse by those who would seek to circumvent the TMCH Requirements. (M, IPC, INTA, BC)

“Despite the references to the Spanish administrative law in defining the categories of Public Authorities and Public Services, for the purposes of registering domain names, MARQUES is of the opinion that these terms are excessively wide considering that they allow a very large group of entities to, effectively, register any name related to their services. Especially concerning for MARQUES are the naming rules whereby a Public Authority could register “clear variations”, “abbreviations”, “locally-relevant” and “iconic names”. As such, the naming rules are very difficult to objectively verify.” (M)

Both INTA and IPC mentioned that “the scope of eligible registrants and the .MADRID

names that they may register under the PAP are so broad that a conflict with protected trademark rights (the holders of which have deposited their trademark registrations with the TMCH, as mandated for Sunrise eligibility) is inevitable.” As for the number of names that may be registered under the PAP, both INTA and IPC referenced Wikipedia, where more than 175 “municipalities in the Region of Madrid” are identified and the number of “international authorities with competences over or presence in the Region of Madrid” is indeterminate”. “Similarly, the Names of Public Authorities under Section 1.3(i) could amount to thousands of domains and the geographical names under Section 1.3(ii) could, for an area of over 8,000 square kilometers, easily exceed 100,000 .MADRID names (the.MADRID Registry Operator admits as much in Section 2.5). In an ALP of such enormous scope, trademark conflicts are inevitable.” (INTA) “Section 2.5 effectively acknowledges this tremendous number.” (IPC)

“The Application seeks to remove the cap on names that may be registered under the PAP well beyond what ICANN intended to allow under the QLP Addendum, which limits domain registration by non-rights holders to 100 domain names. This uncapped pre-Sunrise registration period creates the inevitability for a conflict with trademark registrations recorded with the TMCH. The Registry Operator contends that this Application is submitted for approval pursuant to Section 4.5.2 of the TMCH Requirements (not Section 4.5.1), and that the limitation of 100 names does not apply to this section. This contention does not negate the fact that the QLP Addendum was automatically incorporated into the TMCH Requirements, pursuant to Section 4.5.1. Therefore, the cap of 100 pre-Sunrise domain names allowed by the QLP Addendum applies to this Application.” (BC)

Regarding the concerns raised on the uncapped number of domain names under the scope of Public Administrations Program, the Comunidad de Madrid stated that they have submitted the Public Administrations Program pursuant to Section 4.5.2 of the TMCH Requirements not pursuant to 4.5.1 of the TMCH Requirements giving some further details:

“Specifically, while the aim of the Qualified Launch Program (“QLP”) under Section 4.5.1 of the TMCH Requirements is the promotion of the registry services at its launch, the purpose of launch programs (and of this PAP) is the protection of legitimate rights.” (CM)

“Restricting the number of names here would be as unreasonable as restricting the number of trademarks that could be registered during the Sunrise Period because “there are too many trademarks” or not allowing the registration of the names of one of the municipalities of the Region of Madrid because the application is number 101.” (CM)

Four of the comments also expressed concern about the ability of Public Authorities to register domain names that are not identical matches to the Public Authority’s name or acronym, “as this goes

beyond the intended scope of the Qualified Launch Program". (IPC, INTA, BC)

"Requirements by way of an ALP could have far reaching consequences. If approved, the ALP could set a precedent for other Sunrise Periods and lead to unfair treatment of the holders of trademarks recorded in the TMCH. It would be difficult for ICANN to monitor and ensure that the eligibility requirements (types of eligible rights, identical match rules, proof of use requirements etc.) of an ALP are exactly the same as those of the TMCH and that marks are validated to the same standard." (M)

"PAP appears to circumvent this policy, allowing non-identical matches." (IPC)

"ICANN's rationale for rejecting non-identical matches in relation to the QLP remains applicable in the case of an Approved Launch Program". (INTA)

On the concerns raised on the allowance of registration of non-identical matches under Public Administrations Program, the Comunidad de Madrid stated that:

"Trademarks need a sort of adaptation to be included in the TMCH and converted into a domain name: for example, the graphic element in figurative (word-graphic) trademarks disappears when submitted to the TMCH. See Section 5.2.2. of the TMCH Guidelines (re. marks that does not exclusively consist of letters, words, numerals, special characters). For the same reason that trademarks need a normalization process to enter into the TMCH, a minimum adaptation is also required with respect to Public Authority names eligible under Public Administration program. Please note that "clear variations" and "abbreviations" would not include fantasy names, but only variations commonly used in day to day life by the community of the Region of Madrid to refer to relevant Public Authorities, which may or may not match the complete legal name." (CM)

Three of the comments also rejected .MADRID's assertion that trademark protection is not available for Public Authorities (M, IPC, INTA), by giving trademark examples from Spain:

"The Ayuntamiento de Madrid Area de Gobierno de Seguridad y Servicios a la Comunidad (i.e., the Madrid City Council Government Area of Safety and Community Services) owns several Spanish registrations for the mark POLICIA MUNICIPAL MADRID for security services for protection of property and people. Thus, Public Authorities can obtain trademark protection." (IPC, INTA)

On the concerns raised for Registry Operator's assertion that trademark protection is not available for Public Authorities, the Comunidad de Madrid clarified that:

"The Registry Operator has never made such a categorical assertion. On the contrary, in the

PAP applications we explained that “trademark registration is either unavailable or inadequate to protect these names for the relevant Public Authorities in relation to the goods or services within its primary meaning (for which they are the non-distinctive)”. (CM)

On the safeguards proposed by .MADRID, three of the comments expressed their concerns that the proposed safeguards are not sufficient and might lead to consumer confusion (M, IPC, INTA):

“While MARQUES appreciates the intention to adopt these safeguards and accepts that they do mitigate some of the risks, they do not sufficiently address the concerns that result from overly wide wording adopted in the ALP. To avoid any adverse impact on the trademark holders, we urge ICANN not to approve the ALP in its current form.” (M)

“Although the PAP proposes that such transfers would only occur to (i) another eligible Public Authority or (ii) in the event of a sale of all or substantially all of the assets of the registrant, there is no restriction in the proposal that any such receiving party must have taken on the responsibility for the operation of the relevant public authority activity, nor that the domain name must still match the receiving body’s name or acronym. (IPC)

“The Section 3.3 proposal that domains registered under the PAP can be transferred to third parties provides another mechanism through which the PAP proposal can lead to consumer confusion and trademark abuse.” (IPC, INTA)

“In the event that any such transfer were to be permitted, this should only be the case where the transferee is another public authority to whom the duties of the transferor have been subrogated and where the domain name remains a match to the transferee’s full name or acronym.” (INTA)

On the issues raised for the transfer of names registered under the Public Administrations Program, the Comunidad de Madrid explained that:

“This further restriction does not seem justified as, for example, it is the own Government of Madrid through its “Consejería de Interior” the Public Authority in charge of the police service. In other words, imposing this requirements would be as unfounded as requiring that the trademark matches the name of the entity holding it.” (CM)

Concerns Raised on the Parallel Sunrise Program

Five public comments stated that the proposed Parallel Sunrise Program is in contravention of the TMCH Requirements, since it creates an alternative clearinghouse that circumvents the rights protection mechanisms developed by the ICANN community. (BS, M, IPC, INTA, BC)

“During the Parallel Sunrise Program, (i) TMCH-validated trademarks; (ii) non TMCH-validated trademarks with legal effect in Spain; and (iii) Spanish geographical indications recognized by International treaties, EU regulations and Spanish legislation will be accepted and priority will be given to rights with legal effect in Spain whether recorded in the TMCH or not. Clause 2.2.4 of the TMCH Requirements state that “Registry Operator MUST NOT allow a domain name to be Allocated or registered in the TLD to a registrant that is not a Sunrise- Eligible Rights Holder with a valid SMD file prior to the Allocation or registration of all Sunrise Registrations.” Clause 2 defines Sunrise-Eligible Rights Holders as “holders of marks that have been verified by the Trademark Clearinghouse and have met the eligibility requirements for the Sunrise Services as verified by the Trademark Clearinghouse”. (M)

“It is critical to separate two distinct issues: a) whether it is appropriate to give preference to trademarks with effect in Spain, and b) whether the Parallel Sunrise Program is necessary to give effect to that preference. We agree that “the applications based on a trademark with legal effects in Spain,” can and should “have priority over applications based on Trademarks with legal effect in foreign jurisdiction[s] only.” But validating those marks through the Registry’s own esoteric procedure is at best redundant and unnecessary, and at worst leads to a conflict with the TMCH requirements and to a splintering of sunrise rights protection procedures in new gTLDs.” (IPC)

“By giving non-TMCH-validated registrations such priority and by again permitting a potentially unlimited number of registrations ahead of TMCH-validated registrations, the PSP has the potential to cause consumer confusion. The fact that the PSP grants priority to non-TMCH-validated registrations over TMCH-validated registrations in direct contrast to the ICANN community’s purpose for creating the TMCH. Moreover, the PSP proposal may also place the Registry Operator in breach of Specification 7: “Registry Operator shall not mandate that any owner of applicable intellectual property rights use any other trademark information aggregation, notification or validation service in addition to or instead of the ICANN-designated Trademark Clearinghouse.” (INTA)

“The Application seeks to grant priority in the Sunrise period to owners of local trademarks (validated or not validated in the TMCH) over owners of TMCH-validated trademark registrations with effect in jurisdictions other than Spain. Such a proposal effectively creates an alternative clearinghouse that circumvents the rights protection mechanisms developed by the ICANN community and facilitated by the TMCH.” (BC)

“The PSP proposal may also place the Registry Operator in breach of Specification 7: “Registry Operator shall not mandate that any owner of applicable intellectual property rights use any other trademark information aggregation, notification or

validation service in addition to or instead of the ICANN-designated Trademark Clearinghouse.” (INTA)

“Paragraph 2.4.1 of the TMCH Requirements prohibits allocation or registration of domain names during or in connection with the Sunrise Period, except to holders of a validated trademark registration recorded in the TMCH.” (INTA, IPC, BC)

“Clause 2.2.4 of the TMCH Requirements state that “Registry Operator MUST NOT allow a domain name to be Allocated or registered in the TLD to a registrant that is not a Sunrise-Eligible Rights Holder with a valid SMD file prior to the Allocation or registration of all Sunrise Registrations.” Clause 2 defines Sunrise-Eligible Rights Holders as “holders of marks that have been verified by the Trademark Clearinghouse and have met the eligibility requirements for the Sunrise Services as verified by the Trademark Clearinghouse”. (M)

On the concerns raised regarding the potential circumvention of the TMCH Requirements, the Comunidad de Madrid commented that:

“The PSP fully preserves the value of the Sunrise and simply adds further protection for other valid rights, which otherwise would have less priority; and all this without jeopardizing. The Sunrise provides protection against registrations from the non-rights holding general public, not among right holders. PSP fully preserves the priority of trademark rights registered at the TMCH. Section 2.4.1 of the TMCH Requirements prohibits allocating names during sunrise except pursuant to a TMCH-issued SMD file, except in the exceptions referred to in 4.5.1, 4.5.2. and 4.5.3.” (CM)

Two of the comments also objected the Comunidad de Madrid’s assertion that owners of trademark registrations with effect in Spain do not have equal access to or are unaware of the TMCH by claiming that all four rights¹ under the scope of Parallel Sunrise Program can be validated through TMCH recordal.

“There is no basis for Registry Operator’s assertion that owners of trademark registrations with effect in Spain do not have equal access to or are unaware of the TMCH; the TMCH website identifies two TMCH Agents in Spain and over 30 TMCH Agents that support Spanish-language registrations. Moreover, there are two alternative solutions already available to Registry Operator, namely, (i) restricting Sunrise eligibility to TMCH-validated registrations with effect in Spain; and (ii) a Limited Registration Period for non-TMCH- validated registrations. The PSP is unnecessary given these alternative means of

¹ a) Spanish trademarks registered at the Spanish Patent and Trademark Office;
b) EU Community Trade Marks registered at the Office for Harmonization of the Internal Market (OHIM)
c) International Registrations under the Madrid System that designate and are in force in Spain
d) “GI” Managing councils (Consejos Reguladores) of Spanish Geographical Indications, as defined in section 1.3(b) of the Sunrise Program Description.

achieving the same goal. Instead, by giving non-TMCH-validated registrations such priority and by again permitting a potentially unlimited number of registrations ahead of TMCH-validated registrations, the PSP has the potential to cause consumer confusion.” (INTA)

“All four of these rights can be validated through TMCH recordal. The Registry “will follow exactly the same standards and guidelines as those of the TMCH, including the request and assessment of proof of use,” and the Registry stresses that such locally-effective marks will be in “parity with, not priority over TMCH registrations.” Sunrise Program Description §§ 1.1, 1.2. Therefore, with regard to these rights, the Parallel Sunrise Program is completely superfluous and cannot in any sense be regarded as an “additional rights protection mechanism.” It is duplicative, and conflicts with the TMCH and with RPM Requirements section 2.4.1, which prohibits allocating names during sunrise except pursuant to a TMCH-issued SMD file. For the same reason, it is inaccurate to assert that the absence of the proposed Parallel Sunrise Program “would lead the Comunidad de Madrid to incur an unacceptable discrimination” between trademarks valid in Spain. There are no rights—whether Spanish trademarks or “GIs” protected by statute or treaty—that the Parallel Sunrise Program recognizes that the TMCH does not. (IPC)

In their request for PSP, “The applicant relies on the fact that the TMCH is lacking awareness in the Madrid geographical area. On this we would like to comment that the company acting as validation agent for the TMCH and TMCH agents such as eBrand Services have done their uttermost to create awareness amongst rights owners regarding the TMCH existence and functioning.” (BS)

On the assertions that the four rights under the scope of Parallel Sunrise Program can be validated through TMCH recordal, the Comunidad de Madrid stated that:

“PSP takes into account valid rights under Spanish Law, which otherwise would be discriminated for the mere fact of not being in the TMCH” (CM)

Some of the commentators also asserted that the Parallel Sunrise Program would disadvantage the local non-TMCH trademark holders since they will need to bear the cost of validation twice and one commentator also expressed its concern on the ambiguity of the fee for the local agent validation service.

“MARQUES appreciates the safeguard proposed by the Comunidad de Madrid which suggests that whenever a TMCH registration and a local trademark validated by the registry operator are in contention, the holder of the local trademark will be requested to register the trademark within the TMCH. However, due to the time and cost involved with validation by the registry operator in the first place, the workability of this safeguard is questionable. MARQUES believes that this would disadvantage the local non-TMCH trademark holder even further, as they will need to bear the cost of validation twice.” (M)

“The Registry suggests that the Parallel Sunrise Program “merely expands this opportunity to holders of duly verified local trademarks, who may have not registered their trademarks at the TMCH for various reasons.” However, there is no good reason for the holder of a Spanish trademark or eligible Spanish GI to prefer validation through the Parallel Sunrise Program. If the criteria and process for validation are exactly the same, no mark would be recordable through the Parallel Sunrise but not the TMCH. The local mark owner will be even more disadvantaged if there is a conflicting mark in the TMCH, as the Registry proposes first to validate the mark itself, for a fee, and then to require that the owner submit it for validation through the TMCH, for a further fee, before the contention between the conflicting marks is resolved.” (IPC)

“The Registry Operator proposes to resolve contention by requiring owners of Local Trademarks to undergo TMCH validation before being given priority for a string over TMCH-validated registrations. Since the owner of the Local Trademark in a conflict situation is being asked to revalidate their mark in the TMCH, this would be more disadvantageous than having recorded their mark in the TMCH in the first place since they will have to pay to validate the mark twice, firstly by the Registry Operator and subsequently by the TMCH. Further, this provision does not change the fact that the PSP grants priority to non-TMCH-validated registrations over TMCH-validated registrations in direct contrast to the ICANN community’s purpose for creating the TMCH.” (INTA)

“The applicant seems to also imply that the fees applicable to the TMCH services should not be borne by local brand owners only interested in registration under the .MADRID TLD. However it fails to mention what the fees for this local agent validation service will be.” (BS)

On the concerns raised with respect to the validation process, the Comunidad de Madrid defended that:

“This may be possible; this is why the Registry Operator is committed to inform potential applicants in about the TMCH option (both in general when promoting the TLD, and each individual applicant in according to this PSP).” (CM)

“The PSP we propose only makes sense for an individual TLD with a clearly marked geographic area of reference like .madrid. The PSP is not meant to be a parallel validation mechanisms across any TLDs, or for geographically-indifferent TLDs.” (CM)

Comments Relating to Proposed Alternatives

Three of the comments claimed that the proposed Public Administrations Program and Parallel Sunrise Program requests submitted by the Comunidad de Madrid are unnecessary since both can be achieved through the existing programs under the scope of the TMCH Requirements.

Proposed Alternatives for Public Administrations Program:

“ICANN has specifically revised the QLP to cover Public Authorities and Public Services, which

renders PAP unnecessary.” (INTA, IPC)

“The use of Limited Registration Periods and Qualified Launch Programs by numerous other similarly situated new gTLD Registry Operators demonstrates that the applied-for PAP is not necessary to achieve the stated objectives of the Registry Operator.” (INTA, IPC)

Another comment suggested that if any ALP would be approved by ICANN, it should be conditioned on certain modifications being implemented so as to minimize infringement of intellectual property rights and consumer confusion. (M)

- The ALP must be implemented in accordance with clear rules that are published publicly;
- The ALP rules must impose definitive eligibility criteria (e.g. as to the Public Authority and naming criteria adopted in the Qualified Launch Program) and must not include overly wide terms and non-exhaustive lists which could cover an unlimited range of applications;
- In particular, in respect of the naming, the name allocated should be the full name or the name by which the relevant Public Authority is commonly known. The example given of the term “Police” is misleading since in Spanish the correct term would be “Policia” and thus there can be no justification for overriding a trade mark registration for the term in English;
- Compliance with the ALP rules must be ensured via a robust eligibility verification mechanism;
- All safeguards proposed in the ALP application including trade mark claims services and an ALP dispute resolution policy must be implemented; and
- Where there is a sale of all or substantially all of the assets of the registrant, a domain name would only be transferred where the responsibility for the relevant public authority service or activity is also transferred, and the term is still the most appropriate naming match for the new operational entity. (M)

On the proposed alternatives for Public Administrations Program, the Comunidad de Madrid commented that:

“The .madrid Registry Operator cannot and should not discuss the legal, policy and operational requirements of other countries and/or TLDs. The .madrid Registry Operator can only speak about the legal and policy requirements relating to its own TLD. Notwithstanding the above, it must be noted that other ALPs have been requested and have not been decided by ICANN in either way due to time constraints on the Registry side.” (CM)

Proposed Alternatives for Parallel Sunrise Program:

“Using the TMCH Program alone, the Registry could easily give priority to TMCH-validated marks with local effect, or even restrict the Sunrise Period eligibility to TMCH-validated marks with local effect.” (ICP)

“There are two alternative solutions already available to Registry Operator, namely, (i)

restricting Sunrise eligibility to TMCH-validated registrations with effect in Spain; and (ii) a Limited Registration Period for non-TMCH-validated registrations. The PSP is unnecessary given these alternative means of achieving the same goal.” (INTA)

“The Registry Operator already has alternative processes that achieve the same objective and comply with ICANN rules. First, it could restrict Sunrise eligibility to TMCH-validated registrations with effect in Spain. Second, it could provide an additional registration period (subserving to the Sunrise) for registrations that are not validated by the TMCH. Either one of these processes would render the PSP unnecessary.” (BC)

On the proposed alternatives for Parallel Sunrise Program, the Comunidad de Madrid commented that:

“This is just an opinion. In ours, this would be treating different and inferiorly trademarks with the same legal value in Spain for no good reason (as the TMCH-validated trademark rights and benefits would be fully preserved) and without this being required by ICANN.” (CM)

Section IV: Analysis of Comments

General Disclaimer: This section is intended to provide an analysis and evaluation of the comments received along with explanations regarding the basis for any recommendations provided within the analysis.

ICANN appreciates the time spent by community members to provide their input on the two Launch Applications submitted by the Comunidad de Madrid for the .MADRID TLD.

Five out of six commentators expressed that neither application as currently proposed should be approved. Several comments suggested that the Launch Applications’ unclear definition of “Public Authority” eligibility criteria could lead to abuse by those who would seek to circumvent the TMCH Requirements. Furthermore, the broad nature of the program could permit an unlimited number of registrations by a wide range of parties, which could potentially lead to consumer confusion and infringement of intellectual property rights.

Commentators were also concerned that giving first priority to local trademarks regardless of whether they are registered at TMCH would circumvent the Sunrise Period set aside for TMCH rights holders. While through the both programs, the Comunidad de Madrid has stated that it targets to achieve its goal of giving precedence to registrants that may have a stronger relationship with a .MADRID domain, the aforementioned broad nature of the program does not effectively tailor the program to that goal.

Several commentators suggested that the Comunidad de Madrid could achieve its objectives in other ways while being in compliance with the RPM requirements, such as by running a Limited

Registration Period for the trademark holders that are not registered in the TMCH or running a Qualified Launch Program instead of the currently proposed Public Authority Program. Furthermore, one commentator suggested that if the Public Administrations Program were approved, it should be approved with certain modifications in order to minimize infringement of intellectual property rights and consumer confusion. Finally, several comments were submitted noting that approving the Comunidad de Madrid's two ALP applications would set a precedent for similar Launch Applications where the aforementioned concerns could also be present.