

DRAFT Proposal for Protections for IGO Acronyms

2 October 2013

The following is a draft proposed approach for how ICANN could implement the Governmental Advisory Committee's (GAC's) advice in the Durban Communiqué regarding protections for IGO acronyms (the "IGO Proposal"). The GAC advised the ICANN Board that the GAC is interested to work with the IGOs and the NGPC on a complementary cost-neutral mechanism that would:

- (a) provide notification to an IGO if a potential registrant seeks to register a domain name matching the acronym of an IGO at the second level, giving the IGO a reasonable opportunity to express concerns, if any; and
- (b) allow for an independent third party to review any such registration request, in the event of a disagreement between an IGO and potential registrant.

This is a draft subject to further NGPC consideration and input from the GAC.

1. Claims Notification

The IGO Proposal would leverage the functionality of the current [Trademark Clearinghouse](#) ("TMCH" or "Clearinghouse") to address the GAC's advice.

ICANN would provide the Clearinghouse service provider a list of IGO acronyms to be included in the clearinghouse, which will consist of the acronyms provided on the GAC's ["IGO List dated 22/03/2013"](#) (the "Protected IGO Acronyms"). Note that trademark owners currently pay approximately 150 USD per year to include a name in the TMCH.

As part of the Trademark Claims service supported by the Clearinghouse, registry operators are required to provide both: (i) notices to potential domain name registrants that a domain name they are seeking to register in a new generic top level domain (new gTLD) matches a trademark record that has been verified by the Clearinghouse (a "Claims Notice"); and (ii) notices to trademark holders when domain names matching their Clearinghouse records are actually registered. The registry operator is obligated to provide these "claims service" notices for at least the first 90 calendar days of general registration in the new TLD (i.e. the claims period).

The proposed approach provides that during the claims period in any new gTLD, anyone attempting to register a domain name matching a Protected IGO Acronym that is recorded in the Clearinghouse would receive a notification alerting the registrant that the domain name matches at least one Protected IGO Acronym

submitted to the Clearinghouse. If the notified party moves forward and registers the domain name, the IGO would receive a notice from the Clearinghouse alerting the IGO that the domain name has been registered.

2. Dispute Resolution

The [Uniform Rapid Suspension System](#) (URS) is one of several new rights protection mechanisms available in the New gTLD Program. It complements the existing UDRP by offering a lower-cost, faster path to relief for rights holders experiencing the most clear-cut cases of infringement.

The IGO Proposal would leverage the functionality of the URS to provide a mechanism for IGOs with Protected IGO Acronyms in the TMCH to challenge a registration that has been registered and is being used in bad faith. Bad faith may be shown, for example, if the IGO can show that the registrant has intentionally attempted to attract for commercial gain, Internet users to registrant's web site or other on-line location, by creating a likelihood of confusion with the IGO's Protected IGO Acronym as to the source, sponsorship, affiliation, or endorsement of registrant's web site or location or of a product or service on that web site or location. Note that the current rules require complainants to submit a filing fee payable to the URS service provider, which is estimated to be approximately 375 USD – 500 USD.

The existing URS would be supplemented as appropriate to be relevant to the protections granted to the Protected IGO Acronyms, including for example, the examination standards and burdens of proof in Section 8 of the existing procedure for the URS.