



Defensive Registrations Briefing Paper

Background

- ICANN conducted a public comment period on perceived need for defensive applications at top level of new gTLDs
 - Many submitted comments focused on protections at the 2nd level
- Board gTLD Committee adopted resolution on 12 April directing Staff to provide briefing paper on topic of 2nd level defensive registration
- Briefing submitted to GNSO Council to facilitate discussion on whether further policy discussions are warranted to address this issue and/or the need for additional protections in 2nd level registrations
- IPC/BC Recommendation on 2nd Level RPM Improvements – Implement mechanism for TM owners to prevent 2nd level registration of their marks across all registries, upon payment of a reasonable fee

Briefing Paper – Summary of Comments

- Primary Concern: the need or risk of defensive registrations at the 2nd level of new gTLDs is much higher than at the top level
 - Current existing RPMs are insufficient/ineffective for rights protection
 - Cost of monitoring/enforcing rights unreasonably high
- Key Question: Are 2nd Level Additional Protections Necessary?
- Existing Second-Level Protections
- Suggested Measures in the Public Comment Forum to Address the Perceived Need for Defensive Registrations

Briefing Paper - Recommendation/Timing/Process

- Recommendation: suggests that Council consider utilizing one of its available processes
 - requesting an Issue Report or conducting a policy discussion to address the issue whether additional work on defensive registrations at the second level should be undertaken
- If intent is to encourage community discussion regarding the existing RPM's and possible changes to them prior to the delegation of new gTLDs, an “STI” type of mechanism might be usable
- If GNSO position is that community conversations should continue, but formal consideration is merited, an Issue Report / PDP can be requested



Thank You