



The GNSO Intellectual Property Constituency (IPC) appreciates the opportunity to provide comments on the Proposed Renewal of .ASIA Registry Agreement.

Executive Summary

The IPC generally supports the transition of ‘legacy’ TLDs to a version of the base Registry Agreement, particularly given that the transition involves a partial adoption of Rights Protection Mechanisms (RPMs) designed for the release of gTLDs in 2012. The IPC also supports the inclusion of Public Interest Commitments and Registry Operator Code of Conduct in the proposed .ASIA Registry Agreement. As we have stated previously, we believe such an amendment process should be as open and transparent as possible because it has the potential to widely impact the broader community.

Specific Comments

Specification 7

The IPC applauds DotAsia Organisation and other Registry Operators that choose to implement enhanced rights protection mechanisms for third party trademark owners, and to take on enhanced responsibilities for the Registry Operator to prevent use of registrations for abusive purposes, including but not limited to violations of intellectual property rights. The IPC therefore supports the inclusion of relevant elements Specification 7: Minimum Requirements for Rights Protection Mechanisms in the proposed renewal agreement, in particular the Uniform Rapid Suspension (URS), Trademark Post-Delegation Dispute Resolution Procedure (PDDRP) and the Registration Restriction Dispute Resolution Procedure (RRDRP). The IPC also believes that any future release of reserved names should be subject to the requirements of the Trademark Clearinghouse set out in the base registry agreement.

The IPC encourages Registry Operators to voluntarily adopt industry best practices beyond the minimum rights protections required by ICANN, such as adding new restrictions against abusive registrations, additional suspension mechanisms, implementing blocking prior to registration, and creating new dispute procedures. Specification 7 of the proposed .ASIA renewal Registry Agreement appears to accommodate the implementation of such voluntary best practices. The IPC also encourages ICANN to educate Registry Operators that the required RPMs are not a “ceiling” but a “floor” – the minimum required – and the Internet community is best served by Registry Operators that strive to go above and beyond the minimum by adopting industry best practices. We strongly believe that ICANN need not undertake a policy development process for Registry Operators to voluntarily implement new RPMs.

Registry Code of Conduct and Specification 11

The IPC welcomes the inclusion of the Registry Operator Code of Conduct and Specification 11 in the proposed .ASIA Registry Agreement. The IPC does note that the Registrar Accreditation Agreement (RAA) referenced is the RAA approved by the ICANN Board of Directors on 27 June 2013. The IPC recommends altering the language to accommodate future amendments to or replacement of the 2013 RAA.

The IPC supports the inclusion of Specification 11 section 3(a) which requires registries to pass obligations on to registrars to prohibit registrants in .ASIA from using their names for trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting and other similar activities. The IPC also supports the inclusion of “anti-abuse” provisions in Exhibit A and Specification 11 section

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3 aimed at preventing the distribution of malware, phishing, pharming, abusive botnets and other security threats. The IPC urges DotAsia Organisation to actively enforce these obligations, and urges ICANN to use its contract compliance authority to correct any pattern that might arise in the event of the registry operator's failure to do so.

Respectfully Submitted,

Intellectual Property Constituency