



Etienne Sanz de Acedo
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Submitted to: comments-ioo-recs-10nov17@icann.org.

January 12, 2018

Patrick Dodson
Senior Manager, Strategic Initiatives
ICANN
12025 Waterfront Drive, Suite 300
Los Angeles, CA 90094-2536

Re: CCWG-Accountability Work Stream 2 (WS2) - Draft Recommendations to Improve ICANN's Office of Ombudsman

Dear Mr. Dodson:

The International Trademark Association (INTA) appreciates this opportunity to comment on the Draft Recommendations to Improve ICANN's Office of Ombudsman (IOO), published on November 10, 2017 ("Recommendations"). INTA supports the published Recommendations and thanks the work of the sub group for moving the issue in the right direction.

While we generally support the recommendations, we do have specific comments regarding the efficiency and transparency of the IOO. Our concerns focus on the response times proposed in recommendation 4 and to a general question of enforcement mechanisms available to the IOO.

The current text of Recommendation 4 reads,

All relevant parts of ICANN should be required (should include the Corporation, the Board and Committees and anybody or group with democratic or delegated authority) to respond within 90 days (or 120 days with reason) to a formal request or report from the Office of the Ombudsman. The response should indicate the substantive response along with reasons. Should the responding party not be able to meet the 120 days limit due to exceptional circumstances that party can apply to the IOO to seek an additional extension prior to the expiration of the original 90 days delay. The application should be in writing, stating the nature of the exception and the expected time required to respond. The IOO will respond to such requests within a week.

While a mandatory response time is welcome and the process described above is positive, in INTA's view the response time should be significantly shortened. A lengthy process may deter members of the community from seeking assistance from the IOO. For the IOO to have a meaningful role, it must have the power to act and address issues more quickly and efficiently. INTA recommends that the response time be shortened to 60 days with a possible 30-day

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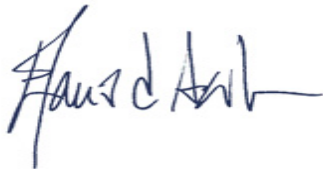
extension due to exceptional circumstances. A full, fair and expeditious review of the matter at issue will go a long way strengthening the ombuds functions.

Additionally, it is unclear from the Recommendations what, if any, enforcement mechanisms are available to the IOO. In fact, there is no discussion as to whether the IOO should have any enforcement powers or mechanisms. INTA recommends that the working group examine reasonable and appropriate mechanisms of enforcement that may be delegated to the IOO. INTA recognizes that, today, the ombuds functions are not independent from ICANN org. Therefore, enforcement may be limited to what ICANN org may implement.

If enforcement mechanisms are deemed to be beyond the scope of the IOO then, at a minimum, it may be useful to map how matters resolved by the IOO may be referred to appropriate bodies for enforcement as appropriate.

Should you have any questions about our comments, I invite you to contact Lori Schulman, INTA's Senior Director of Internet Policy at 202-261-6588 or at lschulman@inta.org.

Sincerely,

A handwritten signature in blue ink, appearing to read "Etienne Sanz de Acedo". The signature is fluid and cursive, with a long horizontal stroke at the end.

Etienne Sanz de Acedo
Chief Executive Officer

About INTA and the Internet Committee

Founded in 1848, INTA is a global not-for-profit association with more than 5,700 member organizations from over 190 countries. One of INTA's goals is the promotion and protection of trademarks as a primary means for consumers to make informed choices regarding the products and services they purchase. During the last two decades, INTA has also been the leading voice of trademark owners within the Internet community, serving as a founding member of the Intellectual Property Constituency of the Internet Corporation for Assigned Names and Numbers (ICANN). INTA's Internet Committee is a group of over 150 trademark owners and professionals from around the world charged with evaluating treaties, laws, regulations and procedures relating to domain name assignment, use of trademarks on the Internet, and unfair competition on the Internet, whose mission is to advance the balanced protection of trademarks on the Internet.