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Submitted to: comments-org-renewal-18mar19@icann.org

April 29, 2019

Russ Weinstein
Director, Registry Services and Engagement
ICANN
12025 Waterfront Drive, Suite 300
Los Angeles, CA 90094-2536

Re: Proposed Renewal of .ORG Registry Agreement

Dear Mr Weinstein:

The International Trademark Association (INTA) appreciates this opportunity to comment on the proposed agreement for renewal of the 2013 registry agreement for .ORG, which was the result of bilateral negotiations between ICANN and Public Interest Registry.¹ As INTA has noted in earlier comments, its interest in domain-name-related matters is informed by its mission as an association “dedicated to supporting trademarks in order to protect consumers and to promote fair and effective commerce.”² In support of that mission, INTA and its members rely on various provisions in the new gTLD Registry Agreement (the “New RA”)³ that protect trademark interests and by extension protect the consuming public. INTA agrees with ICANN that the New RA has important “technical and operational advantages” and “benefits to registrants and the Internet community”⁴ over earlier, outdated versions. As such, INTA supports bilateral negotiations with legacy gTLD registries to transition (as much as is possible) to the New RA as those legacy registry agreements cycle through their various renewals.⁵

INTA is encouraged to see that ICANN and Public Interest Registry used the new RA as a basis for their negotiations for the renewal of the .ORG registry agreement.⁶ Obviously, there are parts of the New RA that are simply inapposite for a legacy gTLD like .ORG. For example, it makes sense that the .ORG registry agreement would not include those provisions from the New RA that were developed for as-yet-to-be-launched gTLDs, and don’t apply for a gTLD that has been in operation for some time. That distinction does not hold equally true for other provisions from the New RA such as the Uniform Rapid Suspension (URS) policy from Specification 7 § 2(b), or the Public Interest Commitments (PICs) from Specification 11 §§ 3(a) and (b) which are as beneficial for protecting consumers in new gTLDs

¹ <https://www.icann.org/public-comments/org-renewal-2019-03-18-en>

² <http://www.inta.org/About/Pages/Overview.aspx>

³ <https://newgtlds.icann.org/sites/default/files/agreements/agreement-approved-31jul17-en.html>

⁴ <https://www.icann.org/resources/board-material/resolutions-2015-09-28-en#1.c>

⁵ <https://forum.icann.org/lists/comments-com-amendment-30jun16/pdf4SRyKadTS.pdf>

⁶ <https://www.icann.org/public-comments/org-renewal-2019-03-18-en>

as in legacy TLDs. INTA is pleased to see that the new tools that have been developed to help protect consumers and help to preserve the security, stability, and resiliency of the DNS will be employed by .ORG. Moreover, the URS and Spec. 11 PICs carry important substantive benefits in this context because they carry the added procedural benefit of consistency.

As ICANN has noted: "Transition to the new gTLD Registry Agreement will provide consistency across all registries leading to a more predictable environment for end-users" ⁷ True to that sentiment, ICANN has bilaterally negotiated for transition to parts of the New RA not only with .ORG, but also with other legacy gTLDs like .TEL, .MOBI, .JOBS, .TRAVEL, .XXX, .CAT and .PRO. ⁸ While that transition will take some time to achieve as the legacy gTLD registry agreements cycle through their respective renewals, the march of progress from ICANN's negotiations with those various legacy gTLD registry operators has been steady and is welcomed by INTA.

As INTA has highlighted in earlier submissions, the exceptions to that steady progress have been the .COM and .NET registry agreements both of which ICANN has recently extended without having modernized their terms comparable to the updates negotiated for .TEL, .MOBI, .JOBS, .TRAVEL, .XXX, .CAT, .PRO, .MUSEUM, .COOP and, now, .ORG. ⁹ INTA has already outlined its concerns on the specifics of the .COM and .NET. ¹⁰

For the foregoing reasons, INTA commends ICANN and Public Interest Registry for adopting certain relevant provisions from the New RA as part of their bilateral negotiations for the renewal of the .ORG registry agreement. INTA hopes that, at some point, the same for will be done for all legacy gTLDs both for the substantive benefits that the New RA holds, and for the consistency and predictability that doing so will bring.

Sincerely,



Etienne Sanz de Acedo
Chief Executive Officer

⁷ <https://www.icann.org/resources/board-material/resolutions-2015-09-28-en#1.c>

⁸ <https://www.icann.org/resources/board-material/resolutions-2015-09-28-en#1.c>

⁹ To be precise: the proposed renewal of the .NET registry agreement did incorporate some terms of the New RA, including provisions related to WHOIS Specifications and data escrow, Zone File Access requirements, contractual compliance audit provisions, termination provisions related to bankruptcy, and indemnification obligations. But it did not incorporate other terms of the New RA, including the two most relevant to INTA: Spec. 7 § 2(b) and Spec. 11 §§ 3(a) and (b). See <http://mm.icann.org/pipermail/comments-net-renewal-20apr17/attachments/20170521/d67e3bb5/INTAdotNETRenewalFINAL05-21-17.pdf>

¹⁰ <https://forum.icann.org/lists/comments-com-amendment-30jun16/pdfe4SRyKadTS.pdf> and <http://mm.icann.org/pipermail/comments-net-renewal-20apr17/attachments/20170521/d67e3bb5/INTAdotNETRenewalFINAL05-21-17.pdf>

About INTA

INTA is a 140 year-old global not for profit association with more than 7,200 member organizations from over 191 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. 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 ICANN. INTA's Internet Committee is a group of over 200 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.