Your name: Paul McGrady

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Issue** | **Applicable text (please quote directly)** | **Number and name of applicable report section** | **Cannot live with rationale** | **Proposed changes (taking into account whether others would be able to live with them)** |
|  | Section 2.7.3 in its entirety (Package 6) | 2.7.3 Closed Generics | 1. Cannot live with references to a “ban.” The Board did not ban close generics. The Board deferred them to the next round.2. We should continue our discussion on whether or not there needs to be a “public interest” for so-called closed generics.3. The Supreme Court of the United States rejected per se bans on generic terms + domain name elements by the USPTO and shredded arguments that having such trademarks would have any appreciable impact on others wanting to use the generic term for its generic meaning. See[[1]](#footnote-1). This has direct impact on our discussion and we should discuss the affects of this case on the push by some to insist ICANN have a per se ban as well.  | 1. Eliminate references to a “ban” and put in what really happened which was a deferral. 2. Have another call.3. Have another call. |

1. See <https://www.law360.com/dockets/download/5efb47347da17405e86713cb?doc_url=https%3A%2F%2Fwww.supremecourt.gov%2Fopinions%2F19pdf%2F19-46_8n59.pdf&label=Opinion> [↑](#footnote-ref-1)