

Update on Leaked Trans-Pacific Partnership Agreement Document

ccNSO Meeting
Buenos Aires
November 20, 2013

Leaked draft

Article QQ.C.12: {Domain Names on the Internet}

1⁵⁶. In order to address the problem of trademark [VN/MX propose: geographical indication and trade name] cyber-piracy, each Party shall adopt or maintain a system for the management of its country-code top-level domain (ccTLD) that provides:

(a) an appropriate procedure for the settlement of disputes, based on, or modelled along the same lines as, the principles established in the Uniform Domain-Name Dispute-Resolution Policy, or that is: (i) designed to resolve disputes expeditiously and at low cost, (ii) fair and equitable, (iii) not overly burdensome, and (iv) does not preclude resort to court litigation;

(b) online public access to a reliable and accurate database of contact information concerning domain-name registrants; in accordance with each Party's laws regarding protection of privacy and personal data.

2. [PE/SG/CL/AU/NZ/MY/BN/CA oppose; US/VN/JP/MX propose: Each party shall provide [VN: oppose adequate and effective] [VN propose: appropriate] remedies against the registration trafficking, or use in any ccTLD, with a bad faith intent to profit, of a domain name that is identical or confusingly similar to a trademark [VN/MX propose: , geographical indication or trade name].]



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Free Trade Agreements

The United States has free trade agreements in force with 20 countries. These are:

- [Australia](#)
- [Bahrain](#)
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- [Colombia](#)
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- [El Salvador](#)
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The United States is also in negotiations of a regional, Asia-Pacific trade agreement, known as the [Trans-Pacific Partnership \(TPP\) Agreement](#) with the objective of shaping a high-standard, broad-based regional pact.

Singapore (2004)

ARTICLE 16.3 : DOMAIN NAMES ON THE INTERNET

1. Each Party shall participate in the Governmental Advisory Committee of the Internet Corporation for Assigned Names and Numbers (ICANN), which serves to consider and provide advice on the activities of the ICANN as they relate to government concerns, including matters related to intellectual property and the domain name system, as well as to promote responsible country code Top Level Domain (ccTLD) administration, management, and operational practices.

2. Each Party shall require that registrants of domain names in its ccTLD are subject to a dispute resolution procedure, modeled along the same lines as the principles set forth in ICANN Uniform Domain Name Dispute Resolution Policy (ICANN UDRP), to address and resolve disputes related to the bad-faith registration of domain names in violation of trademarks. Each Party shall also ensure that its corresponding ccTLDs provide public access to a reliable and accurate WHOIS database of domain name registrant contact information.

Chile-USA FTA (2004)

Article 17.3: Domain Names on the Internet

1. Each Party shall require that the management of its country-code top level domain (ccTLD) provide an appropriate procedure for the settlement of disputes, based on the principles established in the Uniform Domain-Name Dispute-Resolution Policy (UDRP), in order to address the problem of trademark cyber-piracy.

2. Each Party shall, in addition, require that the management of its respective ccTLD provide online public access to a reliable and accurate database of contact information for domain name registrants, in accordance with each Party's law regarding protection of personal data.

CAFTA (2004)

Article 15.4: Domain Names on the Internet

1. In order to address trademark cyber-piracy, each Party shall require that the management of its country-code top-level domain (ccTLD) provides an appropriate procedure for the settlement of disputes based on the principles established in the Uniform Domain-Name Dispute-Resolution Policy.

2. Each Party shall require that the management of its ccTLD provides on-line public access to a reliable and accurate database of contact information for domain-name registrants. In determining the appropriate contact information, the management of a Party's ccTLD may give due regard to the Party's laws protecting the privacy of its nationals.

Australia-USA FTA (2005)

ARTICLE 17.3 : DOMAIN NAMES ON THE INTERNET

1. In order to address trademark cyber-piracy, each Party shall require that the management of its country-code top-level domain (ccTLD) provide an appropriate procedure for the settlement of disputes, based on the principles established in the Uniform Domain-Name Dispute-Resolution Policy.
2. Each Party shall require that the management of its ccTLD provide online public access to a reliable and accurate database of contact information for domain-name registrants.