



**Rights  
Protections  
Mechanisms  
Policy  
Development  
Process Working  
Group (RPM WG)**

**Trademarks and Domain Names have been an issue since  
large companies came online in mid-1990s**

**Americanairlines.com**

**walddisney.com**

**The Uniform Dispute Resolution Policy allows quick, cheap takedown of clear cybersquatting cases.**

*But what about delta.com, pony.com, wendy.com?*

**Dictionary words, generic words, common names?**

## The Right to Words

**Dictionary words belong to everyone (delta, fox, orange, apple)  
– based on law that says trademarks are only issued in certain  
categories of goods and services and to not stop  
noncommercial use.**

**Common names belong to all (Wendy, Joe, Smith and  
McDonalds) – the fact that a global hamburger restaurant  
exists does not stop Scottish families from using their last  
name.**

## The “Right To Words” Campaign became part of the UDRP

Individuals, noncommercial organizations, even entrepreneurs, have rights to name their blogs, their organizations, and their children, even if those words and names are also trademarked – and use them in domain names -- especially if they use dictionary words.

e.g., [time.org](http://time.org), [life.net](http://life.net), [people.com](http://people.com)

**But UDRP (1999) was not enough. Before New gTLDs opened, trademark owners very concerned about rush of infringement in New gTLDs.**

**Wanted New Protections:**

**Trademark Clearinghouse (database to register their national trademarks)**

**Sunrise Period (right of first registration)**

**Trademark Claims (notice of trademark)**

**We (NCSG) said OK (under duress), BUT**

**Trademark Clearinghouse (database to register their national trademarks) – had to be open and limited (only word marks)**

**Sunrise Period (right of first registration) – had to be limited in time to 30 days**

**Trademark Claims (notice of trademark) – had to be clear, easy to understand, and only for a short period (90 days)**

**And No Globally Protected Marks List**

GNSO Council & ICANN Board passed the rules with our constraints (negotiated by Kathy Kleiman, Konstantinos Komaitis, Robin Gross & Wendy Seltzer, BUT the policy was not implemented

Trademark Clearinghouse (database to register their national trademarks) – **had to be open and limited (only word marks) – is secret & closed & took in design marks (extracting dictionary words from logos & even single letters)**

Sunrise Period (right of first registration) – **had to be limited in time to 30 days – extended beyond 30 days in some cases**



**GNSO Council & ICANN Board passed the rules with our constraints (negotiated by Kathy Kleiman, Konstantinos Komaitis, Robin Gross & Wendy Seltzer, BUT the policy was not implemented...[2]**

**Trademark Claims (notice of trademark) – had to be clear, easy to understand, and only for a short period (90 days) – not so easy to understand, not written to explain complexities of design mark's limited protections, and surprisingly, few potential domain name registrants will click past the TM Claims Notice to register a domain name in a New gTLD 😞.**

**GNSO Council & ICANN Board passed the rules with our constraints (negotiated by Kathy Kleiman, Konstantinos Komaitis, Robin Gross & Wendy Seltzer, BUT the policy was not implemented...[2]**

**And No Globally Protected Marks List – We wanted each trademark owner to pick the New gTLDs most relevant to their products and services to leave the noncommercial users and the future registrants, e.g., Delta.airlines, but not delta.math or delta.fraternity. But Donuts created a Private Protected Marks List -- across almost 300 gTLDs.**

## **Review of All Rights Protections Mechanisms PDP Working Group is now reviewing**

**We thought we had a balanced set of protections – for those trademarks owners and those of us seeking free expression and the right to use words to name new ideas and organizations in new ways, including in domain names - but the changes and interpretations arguably contradict adopted policy and expand intellectual property rights.**

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