



Stakeholders' concern over the launching of the new gTLD Program by ICANN

On June 20, 2011, the Internet Corporation for Assigned Names and Numbers (ICANN) approved the implementation of new generic Top Level Domains (gTLDs)¹ in addition to traditional domain names such as “.com”, “.org” or “.net”. In order to expand the market place, the ICANN program plans to allow applications for new domain name endings in almost any word.

Kurt PRITZ, ICANN's Senior Vice President for Stakeholder Relations, testified on December 8, 2011 before the U.S. Senate Committee on Commerce, Science & Transportation that this will increase competition, choice and innovation². However, it seems that many questions remain unanswered regarding the protection of the rights such as trademark rights.

According to the numerous vociferous oppositions addressed to ICANN, it seems that its program for further TLD needs to be improved³. Among the opponents, it is worth noting the Association of National Advertisers' (ANA) initiative. Indeed, Robert LIODICE, CEO of ANA recently proposed “a way forward which could bring together the parties”⁴.

Thus, “to address in a positive way critical concerns that have been aired and acknowledged in a public and transparent fashion over the course of the past five months”, the ANA notably suggest that the following notifications be observed:

- “All commercial stakeholders concerned about protecting their brands will be given the opportunity to have those brands registered, without cost, on a temporary “Do Not Sell” list to be maintained by ICANN during the first application round”.
- “Any interested party which does not want to have its brands on the “Do Not Sell” list and would rather apply for a TLD would be free to do so”.

As the beginning for introducing new TLDs is scheduled on January 12, 2012, ANA urged that its proposition be accepted immediately.

To be continued...

¹ ICANN Board Resolution 2011.06.20.01, at <http://www.icann.org/en/minutes/resolutions-20jun11-en.htm>

² PRITZ Kurt, Hearing on Expansion of Top Level Domains before the U.S. Senate Committee on Commerce, Science & Transportation, December 8, 2012, at <http://republicans.energycommerce.house.gov/Media/file/Hearings/Telecom/121411/Pritz.pdf>

³ CADNA, U.S. Senate Holds Hearing on ICANN's New gTLD Program, CADNA Sees Hearing as Springboard for Reform of New gTLD Policy, December 8, 2011, at <http://www.prnewswire.com/news-releases/cadna-sees-senate-hearing-as-springboard-for-reform-of-new-gtld-policy-135272028.html>

⁴ ANA, Open Letter to the Board of Directors, Internet Corporation for Assigned Names and Numbers, January 9, 2012, at <http://www.ana.net/content/show/id/22757>