



The Internet Corporation for Assigned Names and Numbers

10 August 2016

Emelie Dessens
Domainoo
49 rue de Richelieu
75001 Paris
France

Subject: Your Letter of 11 July 2016

Dear Emelie Dessens:

Thank you for your letter of 11 July 2016. We note your concerns regarding trademark infringement and cybersquatting associated with low domain name prices in some new gTLDs. ICANN appreciates that you have written to us and we have posted your letter to the ICANN correspondence page (see <https://www.icann.org/en/system/files/correspondence/dessens-to-icann-11jul16-en.pdf>).

As you may be aware, the Trademark Clearinghouse (TMCH) is a database of verified trademark information for a global community of rights holders. The goal of the TMCH is to protect the existing rights of trademark holders without expanding or creating new rights. The services offered by the TMCH involved extensive consultations with the community and stakeholders to ensure that legal rights of trademarks owners were effectively protected upon the introduction of new gTLDs.

In the case noted in your letter regarding the Trademark Claims notice, we wish to clarify that the main function of the Claims notification is to warn the potential domain name registrant of the scope of the trademark holder's rights and also to notify the rights holder that the domain name is registered. In this way it serves to enhance communication and provides important information, to enable both parties to make informed choices about the actions they take.

With regard to abusive registration of trademarks and cybersquatting activity related to some registrars offering low domain name prices, please note that ICANN-accredited registrars set their own prices for domain name registration services. Per the 2013 Registrar Accreditation Agreement (RAA), registrars are required to comply with Consensus Policies; however,



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Consensus Policies shall not prescribe or limit the price of Registrar Services (see Section 4 of the RAA: <https://www.icann.org/resources/pages/approved-with-specs-2013-09-17-en#consensus-temporary>).

We take note of your comments and expressed concerns regarding abusive activities in new gTLDs; however, ICANN's contractual framework provides no basis to dictate registrar pricing policies and practices. In developing the policies for the New gTLD Program, ICANN's role in managing domain name prices was extensively debated. As a result of these discussions, ICANN may only intervene when it comes to protecting registrants and Internet users within the established contractual framework.

If you would like additional information relating to IP infringement and cybersquatting or would like to submit a complaint, we encourage you to visit ICANN's Contractual Compliance webpage at <https://www.icann.org/compliance/complaint>.

We would also like to encourage you to participate in ICANN's policy development process as well as several on-going reviews of the New gTLD Program in assessing the effectiveness of the Program's rights protection mechanisms and to share your experience.

Thank you for taking the time to write to us and for sharing your concerns. We appreciate your interest in the New gTLD Program and look forward to continuing to support you in serving your communities.

Sincerely,

Cyrus Namazi
Vice President
Domain Name Services & Industry Engagement
ICANN Global Domains Division