



**COMMENT OF THE INTELLECTUAL PROPERTY CONSTITUENCY ON THE INITIAL REPORT ON THE NEW gTLD SUBSEQUENT PROCEDURES POLICY DEVELOPMENT PROCESS (OVERARCHING ISSUES & WORK TRACKS 1-4)**

**September 26, 2018**

The GNSO Intellectual Property Constituency (IPC) appreciates the opportunity to provide comments on the Initial Report of the New gTLD Subsequent Procedures Policy Development Process Working Group, which is chartered to evaluate what changes or additions need to be made to existing new gTLD policy recommendations. See <https://www.icann.org/public-comments/gtld-subsequent-procedures-initial-2018-07-03-en>. The IPC represents the views of the intellectual property community within ICANN, and is focused on trademark, copyright, and related intellectual property rights and their effect and interaction with the DNS.

The IPC's consensus views on the Initial Report are appended, and are presented in a matrix format consistent with Appendix C (Table of Preliminary Recommendations, Options and Questions for Community Input).

Respectfully Submitted,

**Intellectual Property Constituency**

Topic	Type	Text	IPC Comment
2.2.2: Predictability (full WG)	Preliminary Recommendation	<p>2.2.2.c.1: Currently, as a result of consensus recommendations made by the GNSO, the ICANN Board endorsed the GNSO's Policy and Implementation Recommendations, including those related to the Consensus Policy Implementation Framework (CPIF) for governing the implementation phase of GNSO policies. If issues arise during this phase, the GNSO could seek to utilize the GNSO Expedited Policy Development Process or the GNSO Guidance Process, as defined in the ICANN Bylaws. However, there is support in the Working Group for a recommendation that the New gTLD Program, once launched (i.e., after the Implementation Review Team), should be subject to a new Predictability Framework, to address issues that arise regarding the introduction of new gTLDs.</p> <p>Among other recommendations, the Working Group believes that as part of the Predictability Framework, a Standing Implementation Review Team (IRT) should be constituted after the publication of the Applicant Guidebook to consider changes in the implementation, execution and/or operations of the new gTLD program after its launch, and the introduction of any further evaluation guidelines not available to applicants when applications were submitted. The Predictability Framework is intended to provide guidance to the Standing IRT in how issues should be resolved, which could include recommending that the GNSO Council initiate GNSO processes provided by the ICANN Bylaws. Please see sub-section d for full text of the Predictability Framework.</p>	<p>Many issues that arise during implementation work of the Implementation Review Team (IRT) and ICANN staff will likely require further clarification. While the IPC does believe that a new Predictability Framework should not delegate to ICANN staff or the IRT decisions that are reserved to the GNSO as outlined in the Annexes to the GNSO Operating Procedures for GNSO Input, GNSO Guidance, and GNSO Expedited Policy Development Process, the Standing Panel will cover issues which are not reserved to the GNSO as part of the Operating Procedures. We believe that a Standing Panel will be necessary to quickly and resolve with clarity those issues that require further consultation during implementation. The Standing Panel should be balanced from a representative standpoint, but must also allow for the appointment of experts to handle these types of situations.</p>

Topic	Type	Text	IPC Comment
2.2.2: Predictability (full WG)	Question	2.2.2.e.5: How do you see the proposed Predictability Framework interacting with the existing GNSO procedures known as the GNSO Input Process, GNSO Guidance Process, and GNSO Expedited PDP?	The Standing Panel's first job will be to determine whether this is something that is within its mandate or whether it should go to the GNSO under one of its processes. The GNSO leadership should be able to challenge that determination as a check and balance to make sure that the Panel is not exceeding its scope/mandate or doing things that are rightfully within the GNSO's jurisdiction.
2.3.2: Global Public Interest (WT2)	Preliminary Recommendation	2.3.2.c.1: Mandatory PICs: The Work Track is considering a recommendation to codify the current implementation of mandatory PICs as policy recommendations. In addition, such mandatory PICs should be revisited to reflect the ongoing discussions between the GAC Public Safety Working Group and Registries as appropriate.	The IPC agrees with the recommendation to codify the current implementaton of mandatory PICs. Furthermore, as the Work Track has addressed the need to address potential developments in security and stability, it is necessary to have a mechanism that allows for predictable changes and further discussion from the community.
2.3.2: Global Public Interest (WT2)	Preliminary Recommendation	2.3.2.c.2: Voluntary PICs: The Work Track recommends continuing the concept of voluntary Public Interest Commitments and asking applicants to state any voluntary PICs in their application. In addition, the Work Track supports the ability of applicants to commit to additional voluntary PICs in response to public comments, GAC Early Warnings and/or GAC Advice. The Work Track acknowledges that changes to voluntary PICs may result in changing the nature of the application except where expressly otherwise prohibited in the Applicant Guidebook and that this needs further discussion.	Public Interest Commitments are a useful mechanism for distinguishing among competing applicants for the same string. Once a string is awarded on the basis of PICs being considered, ICANN Compliance should monitor and enforce the PICs.

Topic	Type	Text	IPC Comment
2.3.2: Global Public Interest (WT2)	Preliminary Recommendation	2.3.2.c.3: At the time a voluntary PIC is made, the applicant must set forth whether such PIC is limited in time, duration and/or scope such that the PIC can adequately be reviewed by ICANN, an existing objector (if applicable) and/or the GAC (if the voluntary PIC was in response to a GAC Early Warning or GAC Advice).	The IPC agrees with this recommendation and also believes that there should be time for comment from the community on the proposed PICs as well as time for filing objections if the PICs change the nature of the application such that by implementing the PICs it falls within one of the grounds to file an objection.

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2.3.2: Global Public Interest (WT2)	Preliminary Recommendation	2.3.2.c.4: To the extent that a Voluntary PIC is accepted, such PIC must be reflected in the applicant's Registry Agreement. A process to change PICs should be established to allow for changes to that PIC to be made but only after being subject to public comment by the ICANN community. To the extent that the PIC was made in response to an objection, GAC Early Warning and/or GAC Advice, any proposed material changes to that PIC must take into account comments made by the applicable objector and/or the applicable GAC member(s) that issued the Early Warning, or in the case of GAC Advice, the GAC itself.	<p>The IPC supports the notion of ensuring that all PICs are included in the Registry Agreement and that ICANN compliance have a role in ensuring that the PICs are adhered to.</p> <p>The IPC also agrees with the notion that if the PICs are allowed to be changed by the Registry, that any changes are only approved to the extent that they take into consideration the original reasons for having the PIC in the first place. For example, if a PIC was entered into in order to respond to an objection (to mitigate the concerns expressed in the objection), then due consideration needs to be given as to whether the change of such PIC materially changes the TLD to a point where those original concerns that gave rise to the objection are not reintroduced.</p>
2.3.2: Global Public Interest (WT2)	Question	2.3.2.e.1: Does you believe that there are additional Public Interest Commitments that should be mandatory for all registry operators to implement? If so, please specify these commitments in detail.	The IPC does not believe that there should be additional mandatory PICs at this time.

Topic	Type	Text	IPC Comment
2.3.2: Global Public Interest (WT2)	Question	2.3.2.e.2: Should there be any exemptions and/or waivers granted to registry operators of any of the mandatory Public Interest Commitments? Please explain.	The IPC believes that the PICs should be mandatory in TLDs that implement a standard model of selling domains to unaffiliated third parties or one close to it whether or not that party is a limited audience or the general public. These types of TLDs have a requirement to maintain PICs towards the public in which they sell domains. However, the IPC also recognizes that single registrant/affiliated party only TLDs (such as exclusive-use TLDs and Brand TLDs) should not be required to be subject to all of the commitments listed in the PICs.
2.3.2: Global Public Interest (WT2)	Question	2.3.2.e.3: For any voluntary PICs submitted either in response to GAC Early Warnings, public comments, or any other concerns expressed by the community, is the inclusion of those PICs the appropriate way to address those issues? If not, what mechanism do you propose?	The IPC agrees that the inclusion of voluntary PICs is the appropriate mechanism for moving forward to address GAC Early Warnings, public comments, and other concerns expressed by the community but only in an established process that allows for predictability and flexibility. The limitations and conditions of voluntary PICs should also be expressed beforehand and any changes not foreseen at the time of inclusion/commitment should be further addressed in a process that allows for public input.

Topic	Type	Text	IPC Comment
2.3.2: Global Public Interest (WT2)	Question	2.3.2.e.4: To what extent should the inclusion of voluntary PICs after an application has been submitted be allowed, even if such inclusion results in a change to the nature of the original application?	<p>The IPC understands that the preclusion of making changes to the application due to matters of public concern is an issue. The IPC believes that the inclusion of voluntary PICs is necessary in order to address public concerns that arise post submission of the application. In some cases, public concerns will prevent the application from proceeding with initial business plans and that limited changes to the nature of the application will result as such. Such changes should be allowed to the extent to allow flexibility in business plans but not to the extent of giving birth to a new application all together.</p>

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2.3.2: Global Public Interest (WT2)	Question	2.3.2.e.5: If a voluntary PIC does change the nature of an application, to what extent (if any) should there be a reopening of public comment periods, objection periods, etc. offered to the community to address those changes?	<p>The voluntary PIC itself should be limited and not cause the need for to reopen a previously closed public comment period or objection period. The inclusion of a voluntary PIC may need to be subject to limitations in timing or other circumstantial aspects.</p> <p>If, however, a PIC is entered into in order to address concerns raised in public comments or through an objection, then that PIC should be subject to some form of public comment to ensure that the PIC truly does address the concerns brought forth in the public comments or through the objection.</p>
2.3.2: Global Public Interest (WT2)	Question	2.3.2.e.6: The Work Track seeks to solicit input in regards to comments raised by the Verified TLD Consortium and National Association of Boards of Pharmacy that recommended a registry should be required to operate as a verified TLD if it 1) is linked to regulated or professional sectors; 2) is likely to invoke a level of implied trust from consumers; or 3) has implications for consumer safety and well-being. In order to fully consider the impact and nature of this recommendation, the WG is asking the following questions:	A TLD should be verified where the public trust is implicated but should be decided on a per application basis rather than trying to combine likelihood applications together. The methods of verification will vary based on the type of services being rendered and/or goods being sold.



Topic	Type	Text	IPC Comment
2.3.3: Applicant Freedom of Expression (WT3)	Preliminary Recommendation	2.3.3.c.1: Work Track 3 discussed the protection of an applicant’s freedom of expression rights and how to ensure that evaluators and dispute resolution service providers (DSRPs) performed their roles in such a manner so as to protect these fundamental rights. The Work Track generally believes that the implementation guidelines should be clarified to ensure that dispute resolution service providers and evaluators are aware that freedom of expression rights are to be considered throughout the evaluation and any applicable objection processes as well as any Requests for Reconsideration and/or Independent Review Panel proceedings. To do this, each policy principle should not be evaluated in isolation from the other policy principles, but rather should involve a balancing of legitimate interests where approved policy goals are not completely congruent or otherwise seem in conflict. Applicant freedom of expression is an important policy goal in the new gTLD process and should be	Applicant freedom of expression should be supported. However, freedom of expression should not "trump" established intellectual property rights or confuse consumers as to the source of products or services.
2.3.3: Applicant Freedom of Expression (WT3)	Question	2.3.3.e.2: When considering Legal Rights Objections, what are some concrete guidelines that can be provided to dispute resolution service providers to consider “fair use,” “parody,” and other forms of freedom of expression rights in its evaluation as to whether an applied for string infringes on the legal rights of others?	"Fair use" and "parody" should not be available defenses to a Legal Rights Objection where the applicant seeks to commandeer an entire TLD.
2.3.3: Applicant Freedom of Expression (WT3)	Question	2.3.3.e.3: In the evaluation of a string, what criteria can ICANN and/or its evaluators apply to ensure that the refusal of the delegation of a particular string will not infringe an applicant’s freedom of expression rights?	Applicants can exercise freedom of expression by applying for a string that does not infringe trademark rights. The available strings to the right of the dot are vast in number.
2.5.1: Application Fees (WT1)	Question	2.5.1.e.2: What happens if the revenue-cost neutral amount results in a refund that is greater than the application fee floor value? Should it be only the difference between the cost floor and the amount refunded? Should there be any minimum dollar value for this to come into effect? i.e. the amount of the refund is a small amount, and if so, should this excess be distributed differently,	The IPC believes that excess funds ought to be used to advance the public interest.

Topic	Type	Text	IPC Comment
2.5.5: Terms and Conditions (WT2)	Preliminary Recommendation	Section 3 of the 2012 Terms and Conditions states that ICANN may deny any new TLD application for any reason at its sole discretion. It also allows ICANN to reject any application based on applicable law. The Work Track believes: 2.5.5.c.2: Unless required under specific law or the ICANN Bylaws, ICANN should only be permitted to reject an application if done so in accordance with the	The IPC agrees with this change.
2.5.5: Terms and Conditions (WT2)	Preliminary Recommendation	Section 3 of the 2012 Terms and Conditions states that ICANN may deny any new TLD application for any reason at its sole discretion. It also allows ICANN to reject any application based on applicable law. The Work Track believes: 2.5.5.c.3: In the event an application is rejected, the ICANN organization should be required to cite the reason in accordance with the Applicant Guidebook, or if applicable, the specific law and/or ICANN Bylaw for not allowing an application to proceed.	The IPC agrees with this requirement of ICANN to cite the reason in accordance with the Applicant Guidebook, applicable law, or ICANN Bylaw for not allowing an application to proceed.
2.5.5: Terms and Conditions (WT2)	Preliminary Recommendation	2.5.5.c.4: Section 6 currently gives ICANN a broad disclaimer of representations and warranties, but also contains a covenant by the applicant that it will not sue ICANN for any breach of the Terms and Conditions by ICANN. In general, the Work Track was not comfortable with the breadth of this covenant to not sue and Work Track members disagreed with the covenant not to sue as a concept. However, if the covenant not to sue ICANN is maintained, there must be a challenge/appeal mechanism established above and beyond the general accountability provisions in the ICANN Bylaws that allows for substantive review of the decision. This mechanism should look into whether ICANN (or its designees/contractors) acted inconsistently (or failed to act consistently) with the Applicant Guidebook (see section 2.8.2 on Accountability Mechanisms for	The IPC agrees that there are key reasons that ICANN will require to maintain the covenant not to sue. However, an appeals mechanism separate to current accountability provisions provided in the ICANN Bylaws would be beneficial for many applicants to challenge decisions taken by ICANN in regards to the fate of an application.

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2.5.5: Terms and Conditions (WT2)	Question	2.5.5.e.3: Some in the Work Track have noted that even if a limited challenge/appeals process is established (see preliminary recommendation 2 above), they believe the covenant to not sue the ICANN organization (i.e., Section 6 of the Terms and Conditions) should be removed. Others have noted the importance of the covenant not to sue, based on the ICANN organization's non-profit status. Do you believe that the covenant not to sue should be removed whether or not an appeal process as proposed in section 2.8.2 on Accountability Mechanisms is instituted in the next round? Why or why not?	The IPC believes that should the appeals process be established with the appropriate level of criteria, method, and outcomes for applicants prior to the beginning of any subsequent rounds, this will adequately serve the purpose for an appeals mechanism and the covenant not to sue should remain as is. There are reasonable explanations for ICANN to keep in place the covenant not to sue to avoid frivolous lawsuits. However, if the appeals mechanism does not address these concerns, then perhaps the covenant not to sue would compliment well with the reservation to sue in cases of ICANN acting outside of its determination requirements as stated in responses to Section 3 of the Terms and Conditions.
2.7.1: Reserved Names (WT2)	Question	2.7.1.e.1: The base Registry Agreement allows registry operators to voluntarily reserve (and activate) up to 100 strings at the second level which the registry deems necessary for the operation or the promotion of the TLD. Should this number of names be increased or decreased? Please explain. Are there any circumstances in which exceptions to limits should be approved? Please explain.	The IPC generally believes that the limit of reservation up to 100 names for promotion of the registry worked well in the previous round. The IPC does not see a need to increase or decrease this amount. However, caution must be taken if these names are released to be registered by a party other than the registry.
2.7.1: Reserved Names (WT2)	Question	2.7.1.e.3: In addition to the reservation of up to 100 domains at the second level, registry operators were allowed to reserve an unlimited amount of second level domain names and release those names at their discretion provided that they released those names through ICANN-accredited registrars.	The IPC highly notes that trademark holders faced issue with many registries releasing names post sunrise. One of the many challenges with this is that not only were these names not subject to a sunrise yet the minimal trademark claims period, the timing for these
2.7.1: Reserved Names (WT2)	Question	2.7.1.e.3.1: Should there be any limit to the number of names reserved by a registry operator? Why or why not?	The IPC believes that if ICANN is able to implement a suitable strategy for allowing the priority rights of trademark holders when these reservations are released for registration, then a specific limit should not be necessary. However, as it is now, methods are inadequate to support an unlimited amount of name reservations.
2.7.1: Reserved Names (WT2)	Question	2.7.1.e.3.2: Should the answer to the above question be dependent on the type of TLD for which the names are reserved (e.g., .Brand TLD, geographic TLD, community-based TLD and/or open)? Please explain.	The IPC believes that it is more than obvious that reservations of names depending upon the type of TLD will greatly differ. The IPC does not believe it necessary to comment on different types of commercial TLDs, but the IPC does not believe that any limitations on reservations for exclusive-use TLDs are necessary.

Topic	Type	Text	IPC Comment
2.7.1: Reserved Names (WT2)	Question	2.7.1.e.3.3: During the 2012 round, there was no requirement to implement a Sunrise process for second-level domain names removed from a reserved names list and released by a registry operator if the release occurred after the general Sunrise period for the TLD. Should there be a requirement to implement a Sunrise for names released from the reserved names list regardless of when those names are released? Please explain.	As stated above, the IPC believes that this is necessary as names that are released post-sunrise are done so inconsistently and in a non-uniform way. A sunrise period for subsequent releases of reserved names is the best way to give priority to trademark holders.
2.7.2: Registrant Protections (WT2)	Preliminary Recommendation	2.7.2.c.3: Continue to allow publicly traded companies to be exempt from background screening requirements as they undergo extensive similar screenings, and extend the exemption to officers, directors, material shareholders, etc. of these companies.	The IPC believes that ICANN should subject all registrants, including publicly traded companies and their affiliates, to a background check which provide more transparency in the application process and prevent disengenous registrations.
2.7.2: Registrant Protections (WT2)	Preliminary Recommendation	2.7.2.c.4: Improve the background screening process to be more accommodating, meaningful, and flexible for different regions of the world, for example entities in jurisdictions that do not provide readily available information.	The IPC believes that it is absolutely necessary for ICANN to improve the background screening process to be more accommodating, meaningful, flexible, and with achieving the same or an equivalent objective for different jurisdictions throughout the world. As a part of the mission to expand the Internet as well as Universal Acceptance, catering to these needs is of utmost importance. As ICANN is becoming more involved in matters of privacy, ICANN should also understand the laws and practices of different countries when addressing background screenings.
2.7.3: Closed Generics (WT2)	Preliminary Recommendation	2.7.3.c.1: The subject of Closed Generics has proved to be one of the most controversial issues tackled by Work Track 2 with strong arguments made by both those in favor of allowing Closed Generics in subsequent rounds and those opposing Closed Generics and in favor of keeping the current ban. Because this PDP was charged not only by the GNSO Council to analyze the impact of Closed Generics and consider future policy, a number of options emerged as potential paths forward with respect to Closed Generics, though the Work Track was not able to settle on any one of them. These options are presented in (d) below. The	The IPC believes that there is room to explore the aspect of Closed Generics for further discussion. Of the paths forward being explored, the IPC believes that Closed Generics would be appropriate where (1) a substantial public interest is served; and (2) unintended security and stability issues are not introduced (which the SSAC may identify). The IPC would support an option as in 2 or 3.
2.7.3: Closed Generics (WT2)	Option	2.7.3.d.1: No Closed Generics: Formalize GNSO policy, making it consistent with the existing base Registry Agreement that Closed Generics should not be allowed.	The IPC believes that there is room to explore for Closed Generics and therefore does not support an absolute ban of Closed Generics.

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2.7.3: Closed Generics (WT2)	Option	2.7.3.d.2: Closed Generics with Public Interest Application: As stated above, GAC Advice to the ICANN Board was not that all Closed Generics should be banned, but rather that they should be allowed if they serve a public interest goal. Thus, this option would allow Closed Generics but require that applicants demonstrate that the Closed Generic serves a public interest goal in the application. This would require the applicant to reveal details about the goals of the registry. Under this option, Work Track 2 discussed the potential of an objections process similar to that of community-based objections challenging whether an application served a public interest goal. The Work Track recognized	As stated above, the IPC supports a path forward where Closed Generics support a public interest.
2.7.3: Closed Generics (WT2)	Option	2.7.3.d.3: Closed Generics with Code of Conduct: This option would allow Closed Generics but require the applicant to commit to a code of conduct that addresses the concerns expressed by those not in favor of Closed Generics. This would not necessarily require the applicant to reveal details about the goals of the registry, but it would commit the applicant to comply with the Code of Conduct which could include annual self-audits. It also would establish an objections process for Closed Generics that is modelled on community	As stated above, the IPC supports a path forward where Closed Generics support a public interest. Furthermore, the IPC believes that an objections process for Closed Generic applications is appropriate.
2.7.3: Closed Generics (WT2)	Option	2.7.3.d.4: Allow Closed Generics: This option would allow Closed Generics with no additional conditions but establish an objections process for Closed Generics that is modelled on community objections.	As stated above, the IPC supports a path forward where Closed Generics support a public interest. Furthermore, the IPC believes that an objections process for Closed Generic applications is appropriate.

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2.7.3: Closed Generics (WT2)	Question	2.7.3.e.1: What are the benefits and drawbacks of the above outlined options?	The IPC notes that public comment in regards to Closed Generics has attracted a variety of commentators that note concerns of alleged harms that the exclusive use of a generic TLD could have. It is more than evident as has been observed during the debate within the Working Track that there are a number of possible drawbacks. However, it is impossible to fully evaluate these alleged harms without first seeing their effect. By allowing Closed Generics in the public interest, a positive outlook can be observed and then it may be assessed whether or not there are drawbacks. At this point, we can only speculate that there will be benefits to the public interest.
2.7.3: Closed Generics (WT2)	Question	2.7.3.e.2: Work Track 2 noted that it may be difficult to develop criteria to evaluate whether an application is in the public interest. For options 2 and 3 above, it may be more feasible to evaluate if an application does not serve the public interest. How could it be evaluated that a Closed Generic application does not serve the public interest? Please explain.	First and foremost, it is necessary to affirm that what is laid out as criteria of not serving the public interest be in line with ICANN's bylaws. The IPC recognizes the difficulty in framing this criteria, but notes there is no clear-cut criteria that can be assessed with this. Each application of this criteria must be assessed case-by-case and should be overwhelmingly apparent of not serving the public interest. Simple accusations or representations of harming the public interest such as in terms of hurting identity, competition, or community (merely mentioned as an example) can not be weighed against the applicant of the TLD without factual evidence that establishes the public interest in question and how the applicant is making use of the TLD for their greater benefit than serving the interest of the public.
2.7.3: Closed Generics (WT2)	Question	2.7.3.e.3: For option 2.7.3.d.4 above, how should a Code of Conduct for Closed Generics serving the public interest be implemented? The Work Track sees that adding this to the existing Code of Conduct may not make the most sense since the current Code of Conduct deals only with issues surrounding affiliated registries and registrars as opposed to Public Interest Commitments. The Work	The IPC sees it as beneficial to apply a Code of Conduct only to those applicants who have identified as operating a generic TLD in an exclusive manner.

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2.7.4: String Similarity (WT3)	Preliminary Recommendation	2.7.4.c.1: Work Track 3 recommends adding detailed guidance on the standard of confusing similarity as it applies to singular and plural versions of the same word, noting that this was an area where there was insufficient clarity in the 2012 round. Specifically, the Work Track recommends:	The IPC supports clarity and detailed guidance on the standard of confusing similarity in regards to singular and plural versions of the same word.
2.7.4: String Similarity (WT3)	Preliminary Recommendation	2.7.4.c.1.1: Prohibiting plurals and singulars of the same word within the same language/script in order to reduce the risk of consumer confusion. For example, the TLDs .CAR and .CARS could not both be delegated because they would be considered confusingly similar.	The IPC has not taken a firm stance on singular vs. plural in the past. However, from the experience in the last round there were many inconsistencies addressed with allowing or not allowing plurals and singulars. From a trademark owner's perspective, it is difficult to protect a brand when there is such inconsistency in the policy and implementation. It also requires an increase in cost for protecting a brand in plurals and singulars of the same TLD. From a registrant/end-user perspective, we note that it is extremely confusing when there are plurals and singular present of the same word as a TLD. Whereas the entire world makes use of the DNS and in many languages plural and singular of a word do not exist, it is without question confusing to understand these differences. The IPC supports prohibiting plurals and singulars of the same word within the same language/script in order to reduce these risks.
2.7.4: String Similarity (WT3)	Preliminary Recommendation	2.7.4.c.1.2: Expanding the scope of the String Similarity Review to encompass singulars/plurals of TLDs on a per-language basis. If there is an application for the singular version of a word and an application for a plural version of the same word in the same language during the same application window, these applications would be placed in a contention set, because they are confusingly similar. An application for a single/plural variation of an existing TLD would not be permitted. Applications should not be automatically disqualified because of a single letter difference with an existing TLD. For example, .NEW and .NEWS	The IPC supports this approach. Furthermore, the IPC wishes to raise that some languages share certain scripts and recommends the Work Group considers this in further developments.

Topic	Type	Text	IPC Comment
2.7.4: String Similarity (WT3)	Preliminary Recommendation	2.7.4.c.1.3: Using a dictionary to determine the singular and plural version of the string for the specific language.	The IPC supports this but echoes again the aspect of some languages sharing the same script and the need to consider this in further developments.
2.7.4: String Similarity (WT3)	Question	2.7.4.e.1: Are Community Priority Evaluation and auctions of last resort appropriate methods of resolving contention in subsequent procedures? Please explain.	Community Priority Evaluation is appropriate and should be retained.
2.7.4: String Similarity (WT3)	Question	2.7.4.e.2: Do you think rules should be established to disincentivize “gaming” or abuse of private auctions? Why or why not? If you support such rules, do you have suggestions about how these rules should be structured or implemented?	The IPC believes it would be beneficial to study abusive behavior and/or gaming that may have occurred in the 2012 round, as well as further resolution mechanisms outside of auctions.
2.7.5: IDNs (WT4)	Preliminary Recommendation	The Work Track discussed variants of IDN TLDs and is aware that the community will be tasked with establishing a harmonized framework (i.e., in gTLDs and ccTLDs) for the allocation of IDN variant TLDs of IDN TLDs. There is general agreement on the following: 2.7.5.c.6: IDN gTLDs deemed to be variants of already existing or applied for TLDs will be allowed provided: (1) they have the same registry operator implementing, by force of written agreement, a policy of cross-variant TLD bundling and (2) The applicable RZ-LGR is already	IDN TLDs which are variants of registered trademarks should be subject to Legal Rights Objections.
2.7.6: Security and Stability (WT4)	Question	2.7.6.e.2: The SSAC strongly discourages allowing emoji in domain names at any level and the Work Track is supportive of this position. Do you have any views	The Working Group should defer to SSAC advice on this point.
2.7.7: Applicant Reviews (WT4)	Preliminary Recommendation	The Work Track proposes the following draft language for consideration for Registry Services Evaluation: 2.7.7.c.17: “Applicants will be encouraged but not required to specify additional registry services that are critical to the operation and business plan of the registry. The list of previously approved registry services (IDN Languages, GPML, BTAPPA) will be included by reference in the Applicant Guidebook and Registry Agreement. If the applicant includes additional registry services, the applicant must specify whether it wants it evaluated through RSEP at evaluation time, contracting time, or after contract signing, acknowledging that exceptional processing could incur additional	Favor requiring disclosure of additional services at application time.



Topic	Type	Text	IPC Comment
2.7.7: Applicant Reviews (WT4)	Question	2.7.7.e.7: An alternative to the Registry Services Evaluation was to not allow any services to be proposed at the time of application and instead to require all such	New services should be disclosed at the time of application and subject to public comment.
2.7.7: Applicant Reviews (WT4)	Question	2.7.7.e.8: Not adding cost and time to applications that propose new services likely increases cost and processing time for those applications that do not propose any additional registry services. In other words, it has been argued that applications without additional services being proposed are “subsidizing” applications which do propose new services. Do you see this as an issue?	There is no "subsidy" given that the purpose of the new gTLD program is innovation. Don't discourage innovation by fast-tracking certain types of applications that do not propose new services.
2.7.7: Applicant Reviews (WT4)	Question	2.7.7.e.10: There are some who took the proposed registry services language as changing the 2012 implementation of asking for disclosure of services versus disclosure being required, while others argued it does not, keeping this aspect unchanged. Do you agree with one of those interpretations of the recommendation contained in (c) above? Please explain and, to the extent	Language of Question 23 required disclosure of new services. That requirement should not be changed since it is essential to evaluation.
2.7.8: Name Collisions (WT4)	Preliminary Recommendation	2.7.8.c.1: Include a mechanism to evaluate the risk of name collisions in the TLD evaluation process as well during the transition to delegation phase.	The IPC believes that the Working Group should defer the NCAP study results if completed by the time the community is ready to launch the next round. The Working Group should consider further options for what to do if the work of the NCAP is not completed by the next round. Some proposals presented by the IPC were 1) the working group should defer to SSAC advice provided pursuant to the Name Collision Analysis Project process or 2) continue to implement the current name collision mitigation mechanisms until such study is completed and accepted by the ICANN Board. The Working Group should weigh the proposals moving forward.
2.7.8: Name Collisions (WT4)	Preliminary Recommendation	2.7.8.c.2: Use data-driven methodologies using trusted research-accessible data sources like Day in the Life of the Internet (DITL) and Operational Research Data from Internet Namespace Logs (ORDINAL) .	The Working Group should defer to SSAC NCAP.
2.7.8: Name Collisions (WT4)	Preliminary Recommendation	2.7.8.c.3: Efforts should be undertaken to create a “Do Not Apply” list of TLD strings that pose a substantial name collision risk whereby application for such strings would not be allowed to be submitted.	The Working Group should defer to SSAC NCAP.

Topic	Type	Text	IPC Comment
2.7.8: Name Collisions (WT4)	Preliminary Recommendation	2.7.8.c.4: In addition, a second list of TLDs should be created (if possible) of strings that may not pose as high of a name collision risk as the “Do Not Apply” list, but for which there would be a strong presumption that a specific	The Working Group should defer to SSAC NCAP.
2.7.8: Name Collisions (WT4)	Preliminary Recommendation	2.7.8.c.5: Allow every application, other than those on the “do not apply” list, to file a name collision mitigation framework with their application.	Defer to the SSAC NCAP when final. Name collision risk and mitigation proposals should be evaluated by independent experts, not by applicants and ICANN staff.
2.7.8: Name Collisions (WT4)	Preliminary Recommendation	2.7.8.c.6: During the evaluation period, a test should be developed to evaluate the name collision risk for every applied-for string, putting them into 3 baskets: high risk, aggravated risk, and low risk. Provide clear guidance to applicants in advance for what constitutes high risk, aggravated risk, and low risk.	Defer to SSAC NCAP when final.
2.7.8: Name Collisions (WT4)	Preliminary Recommendation	2.7.8.c.7: High risk strings would not be allowed to proceed and would be eligible for some form of a refund.	To the extent feasible, screening process should occur before full application fee is paid. However, if ICANN is not able to do such screening prior to the application submission period, then the IPC supports the notion of a refund.
2.7.8: Name Collisions (WT4)	Preliminary Recommendation	2.7.8.c.8: Aggravated risk strings would require a non-standard mitigation framework to move forward in the process; the proposed framework would be evaluated by an RSTEP panel.	Defer to the SSAC NCAP when final. Name collision risk and mitigation proposals should be evaluated by independent experts, not by applicants and ICANN staff.
2.8.1: Objections (WT3)	Preliminary Recommendation	2.8.1.c.1: A transparent process for ensuring that panelists, evaluators, and Independent Objectors are free from conflicts of interest must be developed as a supplement to the existing Code of Conduct Guidelines for Panelists and Conflict of Interest Guidelines for Panelists.	Conflict of Interest Guidelines should be adopted and a screening process should occur prior to the commencement of the Objection process.
2.8.1: Objections (WT3)	Preliminary Recommendation	2.8.1.c.2: For all types of objections, the parties to a proceeding should be given the opportunity to agree upon a single panelist or a three-person panel - bearing the costs accordingly.	The IPC supports this.

Topic	Type	Text	IPC Comment
2.8.1: Objections (WT3)	Preliminary Recommendation	2.8.1.c.3: ICANN must publish, for each type of objection, all supplemental rules as well as all criteria to be used by panelists for the filing of, response to, and evaluation of each objection. Such guidance for decision making by panelists must be more detailed than what was available prior to the 2012 round.	The IPC supports this further clarity for objection procedures.
2.8.1: Objections (WT3)	Preliminary Recommendation	2.8.1.c.4: Extension of the “quick look” mechanism, which currently applies to only the Limited Public Interest Objection, to all objection types. The “quick look” is designed to identify and eliminate frivolous and/or abusive objections.	A "Quick Look" process should be established to eliminate any conflict of interest on the part of any panelist or Independent Objector.
2.8.1: Objections (WT3)	Preliminary Recommendation	2.8.1.c.5: Provide applicants with the opportunity to amend an application or add Public Interest Commitments in response to concerns raised in an objection.	This should be permitted provided the PICs are published for comment. This is especially important in relation to the possible delegation of Closed Generics.
2.8.1: Objections	Option	2.8.1.d.1: GAC Advice must include clearly articulated rationale, including the	The IPC supports requiring the GAC to clearly articulate rationale,
2.8.1: Objections (WT3)	Option	2.8.1.d.2: Future GAC Advice, and Board action thereupon, for categories of gTLDs should be issued prior to the finalization of the next Applicant Guidebook. Any GAC Advice issued after the application period has begun must apply to individual strings only, based on the merits and details of the application, not on	The IPC supports this option.
2.8.1: Objections (WT3)	Option	2.8.1.d.3: Individual governments should not be allowed to use the GAC Advice mechanism absent full consensus support by the GAC. The objecting government should instead file a string objection utilizing the existing ICANN procedures (Community Objections/String Confusion Objections/Legal Rights Objections/Limited Public Interest Objections).	The IPC believes that government advice must follow full consensus GAC Advice as outlined in the ICANN Bylaws. Governments should seek to utilize consensus or other established ICANN procedures.

Topic	Type	Text	IPC Comment
2.8.1: Objections (WT3)	Option	2.8.1.d.4: The application process should define a specific time period during which GAC Early Warnings can be issued and require that the government(s) issuing such warning(s) include both a written rationale/basis and specific action requested of the applicant. The applicant should have an opportunity to engage in direct dialogue in response to such warning and amend the application during a specified time period. Another option might be the inclusion of Public Interest Commitments (PICs) to address any outstanding concerns about the application.	The IPC supports this option.
2.8.1: Objections (WT3)	Question	2.8.1.e.1: Role of the GAC: Some have stated that Section 3.1 of the Applicant Guidebook creates a “veto right” for the GAC to any new gTLD application or string. Is there any validity to this statement? Please explain.	<p>Section 3.1 of the Applicant Guidebook provides a strong presumption that if the GAC provides Advice against the delegation of a particular string or against an application, the delegation or application will not proceed. This is the case regardless of whether or not the application met all of the Applicant Guidebook requirements. In essence it allows the GAC to veto any application that otherwise followed the rules. Therefore, if the GAC provides such advice, the only thing the ICANN Board can really do if it "accepts" that GAC advice is to reject the application. There is no flexibility for the Board to "accept" the GAC Advice, but attempt to address the concerns behind the GAC Advice (thereby letting the application proceed).</p> <p>If this section were to be taken out of the Guidebook, the GAC can still provide consensus advice against an application (with the required rationale), and the Board would have more flexibility, to attempt to work with the applicant to resolve the concerns behind the Advice, and if successful, allow the application to proceed. This could involve the creation of PICs to address the concerns, or other mutually beneficial solutions. In essence, it would eliminate the binary choice under the Guidebook today of (a) accept GAC advice and not allow the application to proceed or (b) reject GAC advice and take application as is. Removing the presumption against approval gives more discretion to solve the problems behind the objections of the GAC.</p>

Topic	Type	Text	IPC Comment
2.8.1: Objections (WT3)	Question	2.8.1.e.2: Role of the GAC: Given the changes to the ICANN Bylaws with respect to the Board’s consideration of GAC Advice, is it still necessary to maintain the presumption that if the GAC provides Advice against a string (or an application) that such string or application should not proceed?	It is difficult to presume how the current changes will weigh in with GAC Advice against a string.
2.8.1: Objections (WT3)	Question	2.8.1.e.3: Role of the GAC: Does the presumption that a “string will not proceed” limit ICANN’s ability to facilitate a solution that both accepts GAC Advice but also allows for the delegation of a string if the underlying concerns that gave rise to the objection were addressed? Does that presumption unfairly prejudice other legitimate interests?	The IPC does not believe that GAC Advice should be the end all to a string and preventing it from proceeding. While the changes to the ICANN Bylaws give greater checks and balance as to what will be construed as GAC Advice, this should not prevent a string or application from proceeding completely. In such a situation, ICANN should excersize its ability to accept GAC Advice or facilitate a solutuion that would act as a compromise between GAC Advice and the delegation of a string.
2.8.1: Objections (WT3)	Question	2.8.1.e.4: Role of the Independent Objector: In the 2012 round, all funding for the Independent Objector came from ICANN. Should this continue to be the case? Should there be a limit to the number of objections filed by the Independent Objector?	An Independent Objector is needed since private parties with good cause may not be able to fund.
2.8.1: Objections (WT3)	Question	2.8.1.e.7: Role of the Independent Objector: In the 2012 round, there was only one Independent Objector appointed by ICANN. For future rounds, should there be additional Independent Objectors appointed? If so, how would such Independent Objectors divide up their work? Should it be by various subject matter experts?	There should be a Standing Panel of qualified Independent Objectors which rotates cases and skips over any IO who has a conflict of interest.

Topic	Type	Text	IPC Comment
2.8.1: Objections (WT3)	Question	<p>2.8.1.e.16: String Confusion Objections: The RySG put forward a proposal to allow a single String Confusion Objection to be filed against all applicants for a particular string, rather than requiring a unique objection to be filed against each application. Under the proposal:</p> <ul style="list-style-type: none"> <li>- An objector could file a single objection that would extend to all applications for an identical string.</li> <li>- Given that an objection that encompassed several applications would still require greater work to process and review, the string confusion panel could introduce a tiered pricing structure for these sets. Each applicant for that identical string would still prepare a response to the objection.</li> <li>- The same panel would review all documentation associated with the objection. Each response would be reviewed on its own merits to determine whether it was confusingly similar.</li> </ul>	<p>The IPC can support this proposal as it would eliminate inconsistencies in single/unique objection outcomes and allow for the review of merits presented by each applicant.</p>
2.8.1: Objections (WT3)	Question	<p>2.8.1.e.17: String Confusion Objections: Some Work Track members have proposed that there should be grounds for a String Confusion Objection if an applied-for string is an exact translation of existing string that is in a highly regulated sector, and the applied-for string would not employ the same safeguards as the existing string. Do you support this proposal? Please explain.</p>	<p>The IPC believes that there is potential for this proposal. The IPC supports protecting consumers and end users by making sure that safeguards are implemented for highly regulated strings. At the same time, the criteria for "exact translation" should be clearly detailed and have limitations. The grounds for objection in terms of this proposal should also be limited to applications that attempt to have similar safeguards. The IPC thinks this could be greatly improved with more details.</p>
2.8.1: Objections (WT3)	Question	<p>2.8.1.e.18: Legal Rights Objections: Should the standard for the Legal Rights Objection remain the same as in the 2012 round? Please explain.</p>	<p>The standard for the Legal Rights Objection was too high. A very small number of these Objections prevailed. The standard should be relaxed and holders of registered marks which also constitute "generic" names should be able to prevent awards to third party applicants if those third party applicants intend to use the TLD in similar goods/services as the Objector.</p>

Topic	Type	Text	IPC Comment
2.8.1: Objections (WT3)	Question	2.8.1.e.19: A Work Track member submitted a strawman redline edit of AGB section 3.2.2.2. What is your view of these proposed edits and why?	The IPC believes that this redline is a good starting point but more discussion is required to develop a final proposal to move forward.
2.8.2: Accountability Mechanisms (WT3)	Preliminary Recommendation	2.8.2.c.1: ICANN should create a new substantive appeal mechanism specific to the New gTLD Program. Such an appeals process will not only look into whether ICANN violated the Bylaws by making (or not making) a certain decision, but will also evaluate whether the original action or action was done in accordance with the Applicant Guidebook.	The IPC supports this preliminary recommendation as we have answered in detail in response to questions regarding the Terms and Conditions.
2.8.2: Accountability	Preliminary Recommendation	2.8.2.c.2: The process must be transparent and ensure that panelists, evaluators, and independent objectors are free from conflicts of interest.	The IPC agrees with this recommendation.
2.8.2: Accountability Mechanisms (WT3)	Preliminary Recommendation	2.8.2.c.3: post-delegation dispute resolution procedures: The parties to a proceeding should be given the opportunity to agree upon a single panelist or a three-person panel - bearing the costs accordingly.	The IPC supports this recommendation.
2.8.2: Accountability Mechanisms (WT3)	Preliminary Recommendation	2.8.2.c.4: post-delegation dispute resolution procedures: Clearer, more detailed, and better-defined guidance on scope and adjudication process of proceedings and the role of all parties must be available to participants and panelists prior to the initiation of any post-delegation dispute resolution procedures.	The IPC supports clarity in regards to post-delegation resolution procedures.
2.8.2: Accountability Mechanisms (WT3)	Question	2.8.2.e.1: Limited Appeals Process: What are the types of actions or inactions that should be subject to this new limited appeals process? Should it include both substantive and procedural appeals? Should all decisions made by ICANN, evaluators, dispute panels, etc. be subject to such an Appeals process. Please explain.	The IPC thinks there should be appeals in regards to decisions of ICANN, evaluators, and dispute panels by parties directly impacted by the decision.
2.8.2: Accountability Mechanisms (WT3)	Question	2.8.2.e.2: Limited Appeals Process: Who should have standing to file an appeal? Does this depend on the particular action or inaction?	Appeals should be available to those directly impacted by a decision.

Topic	Type	Text	IPC Comment
2.8.2: Accountability Mechanisms (WT3)	Question	2.8.2.e.3: Limited Appeals Process: What measures can be employed to ensure that frivolous appeals are not filed? What would be considered a frivolous appeal?	If the quick look mechanism is extended this should help to identify frivolous appeals and minimise their impact. Introduction of loser pays on appeals would also be beneficial to discourage frivolous or malicious appeals.
2.8.2: Accountability Mechanisms (WT3)	Question	2.8.2.e.4: Limited Appeals Process: If there is an appeals process, how can we ensure that we do not have a system which allows multiple appeals?	Rules could be drafted such that there is only one round of appeal in relation to a decision.
2.8.2: Accountability Mechanisms (WT3)	Question	2.8.2.e.5: Limited Appeals Process: Who should bear the costs of an appeal? Should it be a “loser-pays” model?	The IPC would support a loser pays model for appeals. This would help to minimise frivolous or malicious appeals.
2.8.2: Accountability Mechanisms (WT3)	Question	2.8.2.e.6: Limited Appeals Process: What are the possible remedies for a successful appellant?	The remedy would, to some extent, depend on what the decision is that is being appealed. Generally the appropriate remedy would likely be the reversal of the appealed decision.
2.8.2: Accountability Mechanisms (WT3)	Question	2.8.2.e.7: Limited Appeals Process: Who would be the arbiter of such an appeal?	It seems appropriate that there should be an independent dispute resolution provider appointed to handle appeals.



Topic	Type	Text	IPC Comment
2.8.2: Accountability Mechanisms (WT3)	Question	2.8.2.e.8: Limited Appeals Process: In utilizing a limited appeal process, what should be the impact, if any, on an applicant’s ability to pursue any accountability mechanisms made available in the ICANN Bylaws?	A limited appeals process should not serve to remove access to the accountability mechanisms set forth under ICANN's Bylaws. However where a party has had recourse to an appeals mechanism it seems less likely that they would thereafter be able to establish grounds for a reconsideration request or IRP.
2.9.1: Community Applications (WT3)	Preliminary Recommendation	2.9.1.c.4: The CPE process should include a process for evaluators to ask clarifying questions and where appropriate engage in a dialogue with the applicant during the CPE process.	If permitted, the "dialogue" should be in the form of written questions and written answers that are open to public inspection.
2.9.1: Community Applications (WT3)	Question	2.9.1.e.1: During its deliberations, a number of Work Track 3 members expressed that they believed the “definition” of community, available in section 1.2.3.1 of the Applicant Guidebook, was deficient. A number of attempts were made by the Work Track to better define the term “community,” but no definition could be universally agreed upon. Do you believe the current definition of “community” in the AGB is sufficiently clear and flexible to represent the intentions of existing policy about community applications and the various types of communities that may seek priority in the new gTLD	The existing definition of "community" is fine. No effort should be made to disqualify economic communities or exclude communities based on goals related to proposed content of the TLD. This is outside ICANN's mission and abridges the principle of Applicant Freedom of Expression.

Topic	Type	Text	IPC Comment
2.9.1: Community Applications (WT3)	Question	<p>The Work Track also considered a report on CPE prepared by the Council of Europe, which noted the need to refine the definition of community and re-assess the criteria and guidance for CPE in the AGB and CPE Guidelines. Although this paper has not been officially endorsed by the European Commission or the GAC, there are a number of recommendations in this report on community-based applications. The Work Track is seeking feedback from the community on this report and more specifically which recommendations are supported, not supported or which require further exploration. 2.9.1.e.6: Do you agree with the Council of Europe Report, which in summary states, "Any failure to follow a decision-making process which is fair, reasonable, transparent and proportionate endangers freedom of expression and association, and risks being discriminatory." Did the CPE process endanger freedom of expression and association? Why or why not?</p>	<p>The Council of Europe report emphasized that the purpose of a community application includes freedom of association. Therefore, community applications should not be restricted based on content or "worthy" goals (as opposed to simply creating space for virtual associations and speech.) Evaluation based on content or evaluating whether or not goals are "worthy" abridges the principle of Applicant Freedom of Expression.</p>

Topic	Type	Text	IPC Comment
2.10.1: Base Registry Agreement (WT2)	Question	<p>The Public Interest Commitment (PIC) Standing Panel Evaluation Report dated March 17, 2017 in the case of Adobe Systems Incorporated et al. v. Top Level Spectrum, Inc., d/b/a/ Fegistry, LLC et al., states the following: Second, the Panel notes that PIC (3)(a) of Specification 11 imposes no obligation on Respondent as the Registry Operator itself to avoid fraudulent and deceptive practices. Third, the Panel finds that Respondent's Registry Operator Agreement contains no covenant by the Respondent to not engage in fraudulent and deceptive practices. 2.10.1.e.2: Should this Work Track recommend that ICANN include a covenant in the RA that the registry operator not engage in fraudulent and deceptive practices? Please explain.</p>	<p>The IPC strongly supports the imposition of a PIC to the effect that ROs must not engage in fraudulent or deceptive practices. The panel in the FEEDBACK PICDRP concluded that "Respondent's Registry Operator Agreement contains no covenant by the Respondent to not engage in fraudulent and deceptive practices". The IPC believes the decision against Fegistry was correct and was dismayed to see that ICANN could not do anything remedial to the registry that clearly acted with malice and fraudulent intent against Intellectual Property owners. This is entirely unsatisfactory and damages ICANN's reputation. A suitable amendment to the contract must be adopted for any future new gTLDs. ICANN Legal should also take steps to rectify this for existing registry operators.</p>
2.12.3: Contractual Compliance (WT2)	Preliminary Recommendation	<p>2.12.3.c.1: The Work Track believes that the foundational elements of the Contractual Compliance program put into place by ICANN as well as the relevant provisions in the base Registry Agreement have satisfied the requirements set forth in Recommendation 17. That said, members of the Work Track believe that ICANN's Contractual Compliance department should publish more detailed data on the activities of the department and the nature of the complaints handled.</p>	<p>The IPC is always happy to receive more detailed data metrics and the nature of complaints handled by Contractual Compliance, but it is difficult to assess this recommendation in full as the Work Track fails to provide further detail.</p>

Topic	Type	Text	IPC Comment
2.12.3: Contractual Compliance (WT2)	Question	2.12.3.e.1: The Work Track noted that with the exception of a generic representation and warranty in Section 1.3(a)(i) of the Registry Agreement, Specification 12 (for Communities) and voluntary Public Interest Commitments in Specification 11 of the Registry Agreement (if any), there were no mechanisms in place to specifically include other application statements made by Registry Operators in their applications for the TLDs. Should other statements, such as representations and/or commitments, made by applicants be included in the Registry Operator’s Agreements? If so, please explain why you think these statements should be included? Would adherence to such statements be enforced by ICANN Contractual Compliance?	The IPC supports including in the Registry Agreement the statements and commitments made in an application especially where it pertains to rights protection mechanisms. If a registry, for example, commits to a lock service, they should implement it. If they commit to other RPMs, then they should implement it.
2.12.3: Contractual Compliance (WT2)	Question	2.12.3.e.2: A concern was raised in the CC2 comment from INTA about operational practices, specifically, “arbitrary and abusive pricing for premium domains targeting trademarks; use of reserved names to circumvent Sunrise; and operating launch programs that differed materially from what was approved by ICANN.” What evidence is there to support this assertion? If this was happening, what are some proposed mechanisms for addressing these issues? How will the proposed mechanisms effectively address these issues?	The IPC notes that there have been numerous trademark owners with unique and non-generically used names that have been affected by this. The names of such trademarks cannot be given as examples without permission of the affected parties, but using a non-English trademark as an example, one Japanese trademark holder holds a unique name that is not used in any generic, standard first/last name, or any fashion fathomable outside of its associated use with its brand. Numerous times this trademark holder has attempted to register a name in new gTLDs only to find its name reserved or assigned premium pricing. The trademark owner is an advent protector in its trademark rights and is therefore known to register domain names and believes that this attritubes to the nature of applicants to pull existing frequently registered names in other TLDs and be assigned a premium price. The IPC does not believe that all registries are out to arbitrarily or abusively price trademarks as premium domains and is also aware how many famous trademarks have a generic or widely associated terminology in society. However, there are many cases where this was not the case and the IPC strongly recommends that future applicants excersize discretion when assigning premium pricing to names.