

ICANN UNDER PRESSURE TO HALT GTLD PROGRAMME

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Edward Conlon, London

Advertising companies have piled more pressure on Ican to withdraw the new gTLD program, citing worries about cybersquatting and trade mark infringement

The chief executive of the Interactive Advertising Bureau (IAB), Randall Rothenberg, yesterday **stated** that the programme would be disastrous for media brand owners. The IAB represents organisations such as Google, YouTube and the BBC.

His letter echoed criticism made on August 2 by **Robert Liodice**, president of the Association of National Advertisers (ANA), who called for a halt to the programme, which was **approved** by the Ican board on June 20.

Rothenberg said: "There appears to have been no economic impact research, no full and open stakeholder discussions, and little concern for the delicate balance of the internet ecosystem."

"We hope that ICANN will reconsider both this ill-considered decision and the process by which it was reached," he added.

His statement may increase tension at Ican after Liodice argued that more gTLDs would exacerbate cybersquatting and trade mark infringement, and would lead to "brand dilution".

In a letter, Liodice said that the gTLD programme was "economically unsupportable and likely to cause irreparable harm and damage".

"We urge your organisation to reassess its objectives and work with us collaboratively for better solutions, one of which is most certainly not the program. ANA requests that ICANN abandon the program," he concluded.

In response Rod Beckstrom, Ican chief executive, accused the ANA of making incorrect assertions that were based on selective evidence.

He refuted the claim that there would be an "unrestricted expansion" of gTLDs by documenting the checks in place such as objection procedures, and the financial and technical qualifications that applicants were required to meet.

Beckstrom argued that Ican had taken into account trade mark owners' concerns by establishing a trade mark clearinghouse, a uniform rapid suspension system and post-delegation dispute mechanisms.

The Ican chief executive highlighted feedback that was provided by the ANA in December 2008. He argued that their suggestions, which included protections for trade marks and increased transparency of applications, had been considered and responded to.

He added: "Please be advised that ICANN will vigorously defend the multi-stakeholder model and the hard-fought consensus of its global stakeholder participants."

Despite the calls for the programme to be withdrawn, Doug Wood, partner at ReedSmith LLP, who represents the ANA, said a battle in the courts should be avoided.

"We hope to avoid the full-blown legal route as it would be hugely costly for everyone. But we're certainly not going to walk away," he told Managing IP.

But the ANA's letter to ICANN failed to clarify what it was they wanted, according to Kristina Rosette, special counsel at Covington and Burlington LLP.

"It's not clear to me exactly what ANA is looking for. Do they want to stop the programme entirely or do they want more rights protection mechanisms?" she said.

She added that the timing of the criticism by the IAB and ANA was not helpful: "If you've been following the process since as recently as mid-March, when the-then board chair Peter Dengate Thrush announced a special board meeting would be held at the beginning of the Singapore meeting, it's hard to see how you could possibly have not known what was going to happen."

The **application period** for new gTLDs lasts from January 12 to April 12 2012. The programme could be underway in November after all applications are examined by ICANN.

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