



April 6, 2010

Dear Mr. Beckstrom,
Dear Mr. Dengate-Thrush,

I am writing in follow-up on our exchange of last summer, when we mutually expressed interest in giving further effect to the relationship between the World Intellectual Property Organization (WIPO) and the Internet Corporation for Assigned Names and Numbers (ICANN). I understand that on the occasion of ICANN's recent Nairobi Meeting, my colleague, Mr. Brian Beckham, of the WIPO Arbitration and Mediation Center's Legal Development Section, has also conveyed my strong hope of our finding a suitable occasion soon to discuss between us matters of shared concern.

As you may be aware, beginning with offering a blueprint for the Uniform Domain Name Dispute Resolution Policy (UDRP), for over a decade WIPO has addressed questions raised by the intersection of intellectual property and the Domain Name System (DNS). In relation to ICANN's New gTLD Program, WIPO has actively dialogued with ICANN Counsel and New gTLD staff and has provided substantial public and informal input, including proposals addressing pre-delegation Legal Rights Objection disputes (incorporated in Draft Applicant Guidebook (DAG) versions 1, 2, and 3); post-delegation registry conduct (incorporated in DAG version 3, but with adaptations that would considerably reduce the mechanism's intended scope); and, second level domain name procedures (such as an expedited suspension mechanism).

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Mr. Rod Beckstrom
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Mr. Rod Beckstrom, Mr. Peter Dengate-Thrush,
Marina del Rey – April 6, 2010

While within ICANN's own framework, committees, and processes, many ideas and adjustments have been joined together, many stakeholders remain concerned that currently-proposed mechanisms do not effectively address trademark concerns. The International Trademark Association (INTA), in its November 20, 2009 comments on DAG version 3, states that notwithstanding the potential benefits, additional solutions are necessary to adequately protect trademarks in new gTLDs. Similarly, the GAC Nairobi Communiqué of March 11, 2010 confirms that while present ICANN initiatives are broadly welcomed, intellectual property Rights Protection Mechanisms demand further attention.

Apart from the New gTLD Program, WIPO observes that calls are being made for a "review" of the UDRP. I hope you will agree that thanks in large part to the WIPO Center's non-profit stewardship of the UDRP since its adoption by ICANN in 1999, this unique, global facility is widely viewed as an important success. Any outcome that would compromise the effectiveness of this alternative to court litigation, which operates to the benefit not only of trademark owners but also of ICANN, registrants, registrars, and registries, would be a backward step in international cooperation.

Both in this regard, and in relation to some of the mechanisms in the way these are evolving for New gTLDs, we are frankly concerned that some interests seek to influence deliberations and determinations in a manner that runs counter to the spirit of the Affirmation of Commitments.

I cordially reiterate the independent availability of WIPO, as an Intergovernmental Organization with public responsibility, to share its substantive expertise, and look forward to an opportunity to weigh, with you at this stage of ICANN's work, risks and solutions to mutual longer-term benefit.

Yours sincerely,



Francis Gurry
Director General