



European Communities Trade Mark Association

**To:**

National Telecommunications and Information Administration  
1401 Constitution Avenue, N.W., Room 4701, Washington, DC 20230

Docket No. 060519136-6136-01

The Continued Transition of the Technical Coordination and Management of the  
Internet Domain Name and Addressing System

AGENCY: National Telecommunications and Information Administration, U.S.  
Department of Commerce

Antwerp, 11 July 2006

**Re: Comment on the continuation of the transition of the technical  
coordination and management of the Internet domain name and addressing  
system (Internet DNS) to the private sector.**

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On behalf of the Internet Committee of ECTA - the European Communities Trade  
mark Association - we thank you for the opportunity to comment on the continuation  
of the transition of the technical coordination and management of the Internet domain  
name and addressing system (Internet DNS) to the private sector.

The World Summit on the Information Society, Tunis Agenda for the Information Society (November 18, 2005), stated: contained the following propositions, to which we add support for the reasons stated.

*40. We underline the importance of the prosecution of cybercrime, including cybercrime committed in one jurisdiction, but having effects in another. We further underline the necessity of effective and efficient tools and actions, at national and international levels, to promote international cooperation among, inter alia, law-enforcement agencies on cybercrime. We call upon governments in cooperation with other stakeholders to develop necessary legislation for the investigation and prosecution of cybercrime, noting existing frameworks, for example, UNGA Resolutions 55/63 and 56/121 on "Combating the criminal misuse of information technologies" and regional initiatives including, but not limited to, the Council of Europe's Convention on Cybercrime.*

**ECTA supports this view and further comments that the criminal misuse of information technology frequently involves counterfeit or other deliberate misuse of intellectual property, including trade marks. We support the proposition underlining the importance of the prosecution of cybercrime, committed in one jurisdiction, but having effects in another. We also support the call upon governments in cooperation with appropriate stakeholders to develop necessary legislation for the investigation and prosecution of cybercrime, within existing frameworks, relating to prosecution of counterfeit goods. We also underline the need to provide an appropriate framework within which trade mark owners may properly protect and enforce property rights against criminal or other misuse, including ensuring that appropriate "Sunrise" periods are set up when new TLDs are introduced to enable trade mark owners to protect valuable property rights against misappropriation.**

**A significant factor is the ability to identify quickly and simply those behind websites from which criminal or other undesirable elements may be operating. To this end we underline the need to maintain proper records of those to whom domain names have been allocated, and to establish a method of quickly and efficiently removing domains found to be wrongly registered whether or not the domain holder is seeking to hide behind an incomplete or a false identity.**

The World Summit on the Information Society, Tunis Agenda for the Information Society (November 18, 2005), stated: contained the following propositions, to which we add support for the reasons stated.

*41. We resolve to deal effectively with the significant and growing problem posed by spam. We take note of current multilateral, multi-stakeholder frameworks for regional and international cooperation on spam, for example, the APEC Anti-Spam Strategy, the London Action Plan, the Seoul-Melbourne Anti-Spam Memorandum of Understanding and the relevant activities of OECD and ITU. We call upon all stakeholders to adopt a multi-pronged approach to counter spam that includes, inter alia, consumer and business education; appropriate legislation, law-enforcement authorities and tools; the continued development of technical and self-regulatory measures; best practices; and international cooperation.*

**ECTA supports the proposition to deal effectively with the significant and growing problem posed by spam. Again it should be noted that trade mark owners should be provided with an appropriate framework within which to properly protect and enforce property rights against misuse, including ensuring that appropriate “Sunrise” periods are set up when new TLDs are introduced to enable trade mark owners to protect valuable property rights against misappropriation.**

**A significant factor is the ability to identify quickly and simply those behind websites from which criminal or other undesirable elements may be operating. To this end we underline the need to maintain proper records of those to whom domain names have been allocated, and to establish a method of quickly and efficiently removing domains found to be wrongly registered whether or not the domain holder is seeking to hide behind an incomplete or a false identity.**

The World Summit on the Information Society, Tunis Agenda for the Information Society (November 18, 2005), stated: contained the following propositions, to which we add support for the reasons stated.

*47. We recognize the increasing volume and value of all e-business, both within and across national boundaries. We call for the development of national consumer-protection laws and practices, and enforcement mechanisms where necessary, to protect the right of consumers who purchase goods and services online, and for enhanced international cooperation to facilitate a further expansion, in a non-discriminatory way, under applicable national laws, of e-business as well as consumer confidence in it.*

**ECTA recognises and supports the need for the development of national consumer-protection laws and practices, and enforcement mechanisms, to protect the right of consumers. We also underline the need for the development of national laws and practices, and enforcement mechanisms, to protect the right of consumers to obtain properly branded goods, instead of counterfeit product. Two simple but effective steps in combating supply of spurious trade marked goods are to ensure maintenance of appropriate “Sunrise” periods within which trade mark owners may protect valuable property rights against misappropriation, and to ensure proper records are maintained of those to whom domain names have been allocated**

We hope that you find our comments useful. If you have any questions in this regard or if we can assist you in any other way, please feel free to contact us again.

Yours sincerely



Mireia Curell  
President



Eric Ramage  
Chairman Internet Committee