

**Comments of the INTA Internet Committee on the  
IDN Variant Issues Project – Final Integrated Issues Report and Proposed Project Plan  
April 6, 2012**

The INTA Internet Committee appreciates this opportunity to provide comments on the IDN Variant Issues Project – Final Integrated Issues Report and Proposed Project Plan.

More study analyzing potential approaches in this area is needed. The Executive Summary itself states, "There should be no assumption that acceptable solutions are available or can be developed to address the wide range of issues identified in this report (or even a major subset of them)." IDN variants are meant to accomplish certain objectives, namely the availability, accuracy and fidelity of domains with these alternate characters. The availability of IDN variant characters should not be intended merely to increase the availability of additional domains as alternatives to those already available. In our view, with regard to domains that would be the likely subject of the IDN variant analysis, the substitution of one for the other may be common in the real world, in part because keyboards encompassing all the different variants may not always be available (making it likely, for example, that a user would type an "e" or "é" in place of "è"). This suggests that having variants owned by different owners, unless the owner's consent to the divergence, based on their experience in the marketplace, is extremely likely to cause confusion, and therefore be extremely susceptible to fraudulent use. The further study should have as a working premise providing for IDN variants that do not create the opportunity for confusing use, misuse or fraudulent use.

Additionally, it makes sense to create an IDN Variant Issues Program in order to have a common umbrella to track progress and address issues that relate to more than one of the eight projects.

As to the specific Projects we have the following comments:

- Project 3 - Whole-String Variants Feasibility Study specifically:

Character-level variants would seem to offer a more identifiable basis for trademark owners to identify potentially conflicting uses over whole-string variants, because discrete lists of characters that may be substituted for one another—"e," "é," and "è" or "ae" and "æ" or "c" and "ç" (the Cyrillic 's')—may be identified, without implicating a more subjective holistic confusion analysis.

- As to Projects 5 and 6 - Variants With and Without Mirroring:

We support further study of examining the technical feasibility of mirroring, whereby two or more labels use some technology to either share the same technical resource records or otherwise ensure they provide the same resolution results in the Domain Name System (in comparison to using two

or more labels with no requirement that the contents of the zones and the delegations therein be mirrored). Our concern is the latter treatment permits contextual rules that would allow a web site for one name and another different web site for the variant, thus creating the opportunity for and likelihood of confusing use, misuse and fraudulent use.

Thank you for considering our views on these important issues. If you have any questions regarding our submission, please contact INTA External Relations Manager, Claudio DiGangi at [cdigangi@inta.org](mailto:cdigangi@inta.org)

### **About INTA & the Internet Committee**

The International Trademark Association (INTA) is a more than 131-year-old global organization with members in over 190 countries. One of INTA's key goals is the promotion and protection of trademarks as a primary means for consumers to make informed choices regarding the products and services they purchase. During the last decade, INTA has served as a leading voice for trademark owners in the development of cyberspace, including as a founding member of ICANN's Intellectual Property Constituency (IPC).

INTA's Internet Committee is a group of over 200 trademark owners and professionals from around the world charged with evaluating treaties, laws, regulations and procedures relating to domain name assignment, use of trademarks on the Internet, and unfair competition on the Internet, whose mission is to advance the balanced protection of trademarks on the Internet.