

David Taylor - Letter of Motivation for consideration as a Volunteer Member of the Competition, Consumer Trust and Consumer Choice Review Team

I have thought carefully about submitting my name for consideration to the CCT Review Team and the overriding reason in doing so is because of the critical importance of the review itself.

I have been involved in ICANN since attending my first meeting in 2000, and have attended over 35 ICANN meetings since, gaining experience within the ICANN multi-stakeholder model.

My experience originally was with registrars and registries as my day to day law practice involved working with various NICs and registrars in managing client domain name portfolios. My work then expanded to enforcement of IP rights on the Internet and I have always firmly believed that the registrant if acting in bad faith should be the target not the registrar or registry concerned. As such I have had many occasions to work with registrars and registries to deal with the bad actors that unfortunately but inevitably are out there and have always sought to take an even handed approach rather than a litigious approach whenever possible.

The need to assess the balance of rights in the domain name space is something I have considerable experience with having been a World Intellectual Property Organization (WIPO), Domain Name panelist for 12 years, as well as a panelist for UK domain name disputes with Nominet, and an arbitrator for .EU and the UDRP with the Czech Arbitration Court. This has enabled me to consider issues and perspectives across many different jurisdictions.

In 2009 I was invited to be a member of the Implementation Recommendation Team (IRT) set up by ICANN to propose and develop solutions to the issue of trademark protection in connection with the introduction of new gTLDs. This was a tremendous experience for me, and one where it was critical to be able to ensure a team spirit, be adaptable and seek consensus.

I also spent three years as a member of the ICANN GNSO Council holding the European seat for the IPC. Throughout and whilst necessarily representing the views of the IPC I nevertheless sought compromise and realistic outcomes wherever possible

I was also a special advisor to the INTA (International Trademarks Association) Internet Committee between 2009 and 2012.

During 2008 to 2012 I advised many clients on new gTLDs and the pros and cons of applying. This led to advising a number of clients on their new gTLD applications, both standard and community applications involving both brands and generic or dictionary terms. During this time the Applicant Guide Book was evolving and this was something I followed closely, indeed the law firm in which I am a partner, Hogan Lovells, was, as far as I know, the only law firm to provide written comment on each and every version of the AGB.

With the opening of the new gTLD applicant window in 2012, I, together with my team based in Paris France, proceeded to advise on a multitude of new gTLD applications for a wide range of clients coming from various countries. In addition, once the applications were public we were then involved in filing and defending all types of new gTLD objections (Legal Rights, Community, String Confusion) thus gaining first hand knowledge of the issues arising with each of these.

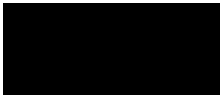
Since then I have continued to be involved in some of the more delicate matters, including matters high on the agenda of governments which have involved Reconsideration Requests and Cooperative Engagement Process (CEP) prior to full initiation of an IRP. I would stress that one of the most enjoyable roles I have had has been within the CEP genuinely seeking to find resolution to the issues on the table together with a first-hand experience of the GAC.

With this experience of the new gTLD process I feel I am well qualified to review and consider, as part of a wider team, the extent to which this 2012 introduction or expansion of gTLDs has promoted competition, consumer trust and consumer choice – its original raison d'être. In particular I have seen many varied perspectives during the new gTLD process and we clearly need to carefully measure the effectiveness of the application and evaluation process together with the safeguards that were put in place to mitigate the anticipated issues. Indeed this first process was one where we were all anticipating issues and problems which saw us seeking to create solutions for these. Now we have the valuable benefit of hindsight, and the opportunity to see how best to proceed in the future. It is imperative to learn from the 2012 round before embarking on subsequent rounds. Above all we must ensure that the public interest remains at the forefront of our review.

In essence I think that if selected I would will bring considerable experience from my practice as an intellectual property lawyer specializing in domain names across all jurisdictions for over 16+ years combined with a deep knowledge of ICANN, previous experience on the GNSO and IRT as well as with the new gTLD program itself from applications through objections through reconsideration within the ICANN process.

I am submitting my application as a member of the GNSO. I would also welcome the opportunity to be considered as an Independent Expert should this be preferred.

Yours faithfully

A solid black rectangular box used to redact the signature of David Taylor.

David Taylor