

February 23, 2015

**VIA FEDERAL EXPRESS AND EMAIL**

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**Re: February 15, 2015 Letter from Nikolay Nikiforov, Minister of Telecom  
and Mass Communications of the Russian Federation Concerning  
Delegation of the .OPF Top Level Domain (xn--c1avg)**

Dear Dr. Crocker,

On behalf of Public Interest Registry, I write to acknowledge our awareness of the above-referenced letter and to respond in kind.

Minister Nikiforov's letter contains a number of errors and omissions that require clarification. First and foremost, we note that Minister Nikiforov's letter contains no acknowledgement of the fact that Public Interest Registry was the sole applicant for the .OPF Top Level Domain ("TLD"). Neither Regtime Ltd. ("Regtime"), nor Legato Ltd. ("Legato") (collectively, "Objectors") applied to ICANN for this string. Accordingly, we respectfully disagree with the Minister's assertion that "the decision concerning the delegation for ". OPF" gTLD [was] at the expense of Russian companies."

Additionally, it should be noted that, contrary to Minister Nikiforov's assertion, Objectors have never operated "the .OPF string." Feb. 15, 2015 Letter at p.2. As noted in the WIPO Panelist's August 23, 2013 Expert Determination Legal Rights Objection, Case No. 2013 LRO-0067 (the "Expert Determination"), Objectors use of the "OPF" Russian trademark is in connection with a "privately offered product" using software to connect with an alternate root. In the words of the Expert Panelist:

"[b]ecause Regtime was not an ICANN-accredited registry operator like [Public Interest Registry], it could not create a Cyrillic version of an existing TLD, so its product would not be in the ICANN root."

*Expert Determination* at p.4.<sup>1</sup> For that reason, and with reference to the Nice Classification system applicable to Russian trademarks, the Panelist found that Objectors are not engaged in the provision of registry services and further, that the scope of their trademark does not extend to the registration of domain names. *See id.* at pp. 7-8.

Having lost their trademark-based Legal Rights Objection, Minister Nikiforov, on behalf of the Objectors and more broadly Russian companies, now expresses concern that the decision-making process within ICANN is too narrowly focused on “very specific instances of Legal Rights Objections including in the assessment of trademark right infringement.” February 15, 2015 Letter at p.2. Citing “the significance of Cyrillic semantic value of domain names for national internet users,” Minister Nikiforov suggests that the use of the Cyrillic script in the Russian Federation and in neighboring Russian speaking countries should have been considered in ICANN’s decision-making process, but was instead “ignored.” Minister Nikiforov further contends that ICANN’s delegation of .OPF to Public Interest Registry constitutes a transfer of rights to .OPF from Russian companies to an American company. *Id.*

We are aware of no legal or equitable basis upon which ICANN can reasonably conclude that the Cyrillic script belongs exclusively or predominantly to Russia or Russian speakers, as Cyrillic is the primary script used in the Belarusian, Bosnian, Bulgarian, Macedonian, Montenegrin, Serbian, and Ukrainian languages (collectively, with Russian, the “Cyrillic-based Languages”). Objectors, and indeed, the whole of the Cyrillic-based Languages world had the same opportunity to apply for new gTLDs in the 2012 Application Round, including .OPF, which is a transliteration of .ORG and an abbreviation of the Russian word, “организация,” meaning “organization.”

As we stated in our application, Public Interest Registry’s mission and purpose in applying for .OPF was to offer the Cyrillic-based language community a gTLD that is an in-language and localized translation of .ORG, and to promote the mainstream adoption of Internationalized Domain Names (IDNs).

As a public charity dedicated to serving the public interest by strengthening the safety and integrity of the Internet, improving access to technology and expanding into

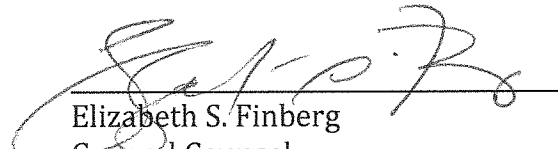
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<sup>1</sup> A full copy of the Expert Determination is available at <http://www.wipo.int/export/sites/www/amc/en/domains/lro/docs/lro2013-0067.pdf>

underserved markets, Public Interest Registry intends to honor our goals, values and commitments through exemplary management of the .OPT TLD.

Very truly yours,

Public Interest Registry



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