



Abogacía
Española
CONSEJO GENERAL

01564
05/02/2014

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Director Servicios Jurídicos

REC'D FEB 05 2014

Madrid, 29th, January, 2014

ICANN
12025 Waterfront Drive, Suite 300
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USA

Dear Sirs,

I write you on behalf of the Consejo General de la Abogacía Española (www.abogacia.es), which is the national General Council of the Spanish Advocacy, a public body whose members are the 83 Spanish Law Bar Associations and, through them, more than 125,000 Spanish lawyers.

We send you this letter in relation to the request of the domain name gTld .abogado, addressed to you from the company Top Level Domains Holding Ltd (Application ID: 1-927-56004).

As you would know, practicing law in Spain is a regulated activity that requests of a previous license, granted by the correspondent Law Bar. Only the person who obtains that license legally becomes a lawyer (abogado), and only from that moment he is allowed, by law, to offer its services referring to itself as "abogado". Also, the European Directives, like, for instance, the e-commerce Directive (transposed in Spain through the Law 34/2002, *de Servicios de la Sociedad de la Información y de Comercio Electrónico*), request the practicing lawyers to fulfill further requirements and formalities, including his clear identification as a licensed lawyer in the practicing territory. Due to the mentioned restriction, consumers are protected from the unfair use of the word "abogado" in the commercial traffic (what includes advertising and -of course- the use of a domain name), from those who are not qualified to practice as a lawyer or to belong to a Law Bar.

The legal responsibility regarding the wrong use of the term .abogado when is used for identifying someone who does not fulfill with the legal requirements is extensible, under the European Directive of Unfair commercial Practices, not only to the individual who misleads the consumer when wrongfully uses that term, but also to all of those who intervene and cooperate in the unfair practice.

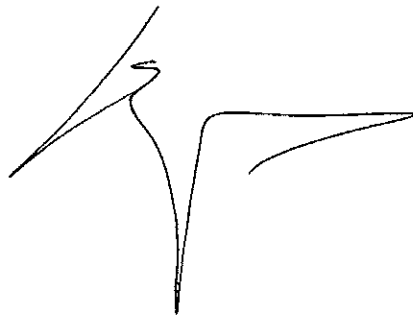
Taking this scenario into account, we have sent a formal letter to the company who has requested ICANN the domain name .abogado (Top Level Domains Holding Ltd.), showing them our interest in getting into an agreement with them. This collaboration would be based on our interest to, at no cost for any of the parties, help that company to ensure that all the Spanish applicants who try to obtain a .abogado domain are, in fact, real lawyers in Spain. We, as the General Council and under the Spanish Law, are in the position of certifying the legality of the requests the manager of that domain might receive from Spanish applicants, what would guarantee the veracity and certainty of the proceeding and will avoid eventual claims started from consumers or other lawyers. We are sure our help in this matter will add a higher level of legal certainty in this proceeding.

Would we sign this agreement with the abovementioned company, we also could be in the position of promoting the fair and legal use of the domain .abogado between the Spanish Advocacy, what will improve the consumer's protection in Spain, what is one of the main goals of this General Council.

We would really appreciate your help, as ICANN, if you could support us in order to show the applicant Top Level Domains Holding Ltd. the importance of getting into an agreement of this nature with us regarding the .abogado new gTld in Spain, as our previous intervention will give this proceeding the necessary legal guarantees, but also will help that company to avoid any eventual complaints from third parties in Spain.

Thanking you in advance, would you have any queries about this matter, please do not hesitate to contact us at your convenience.

Yours faithfully,



LB

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