

The Year 2000 Information and Readiness Disclosure Act will encourage the sharing of knowledge and working together to create solutions. This bill does not give companies liability protection for their products or services. Rather, for a limited time it will provide adjusted procedures for the exchange of Year 2000 information. This is our best bet to ensuring that services and products will continue operating after midnight on December 31, 1999.

This bill also includes a provision I proposed that will assist consumers, small businesses and local governments. It charters a national information clearinghouse and website as a starting point to provide rapid and accurate information about solving Y2K problems. This will be a needed tool for small businesses, local governments and citizens so they can prepare for the millennium.

I want to thank the President and Vice President for their foresight in this issue, and the corporate leaders who worked together with us to get this done. Major industries—from telecommunications, electric, computer, transportation, energy, health, insurance and many others—pitched in and listened to each other and worked together. I congratulate and thank Senators for their unanimous support for this measure. It is reassuring to know that even in the midst of other dramas, Congress can come together to tackle fundamental issues confronting our national economy and security. I look forward to the President signing this important legislation.

#### NEXT GENERATION INTERNET RESEARCH ACT OF 1998

Mr. LEAHY. Mr. President, I am delighted that last night the Senate took up and passed H.R. 3332.

I first introduced my domain name study bill, S. 1727, on March 6, 1998. It was cosponsored by Senator ASHCROFT on May 21, 1998 and passed the Senate on June 26, 1998 as an amendment to S. 1609, Senate legislation to authorize the Next Generation Internet program. The House passed a very similar domain name study bill on September 14, 1998 as part of H.R. 3332, its legislation to authorize the Next Generation Internet program. The Senate Judiciary Committee reported out a substitute amendment to S. 1727 on September 17, 1998 that was identical to the domain name study language that is in H.R. 3332. Now, with the Senate passage of H.R. 3332, the domain name study language will be presented to the President for his signature into law.

The Leahy/Ashcroft domain name study legislation that is incorporated into H.R. 3332 authorizes the National Research Council (NRC) of the National Academy of Sciences to conduct a comprehensive study of the effects on trademark rights of adding new generic top level domain names (gTLDs), and related dispute resolution procedures.

When I first introduced this bill in March, it was, in part, a response to the Administration's Green Paper released on January 30, 1998, on the domain name system (DNS), which suggested the addition of five new generic Top Level Domains (gTLDs).

Although adding new gTLDs, as the Green Paper proposed, would allow more competition and more individuals and businesses to obtain addresses that more closely reflect their names and functions, I was concerned as were many businesses, that the increase in gTLDs would make the job of protecting their trademarks from infringement or dilution more difficult. In addition, increasing the number of gTLDs without an efficient dispute resolution mechanism had the potential of fueling litigation and the threat of litigation, with an overall chilling effect on the choice and use of domain names.

The Green Paper properly raised the important questions of how to protect consumers' interests in locating the brand or vendor of their choice on the Internet without being deceived or confused, how to protect companies from having their brand equity diluted in an electronic environment, and how to resolve disputes efficiently and inexpensively. It did not, however, answer these complex and important questions. Dictating the introduction of new gTLDs without analyzing the impact that these new gTLDs would have on trademark rights and related dispute resolution procedures seemed like putting the cart before the horse.

The Leahy/Ashcroft domain name study bill is intended to put the horse back before the cart. We should understand the effects on trademark rights of adding new gTLDs and related dispute resolution procedures before we move to add significant numbers of new gTLDs. Since its introduction in March, groups such as ATT, Bell Atlantic, Time Warner, the International Trademark Association, the Information Technology Industry Council, the Motion Picture Association of America, the Domain Name Rights Coalition, and the American Intellectual Property Law Association, amongst others, have endorsed this legislation reflected in the Leahy-Ashcroft domain name study bill.

The Administration's White Paper, released on June 5, 1998, backed off the Green Paper's earlier suggestion to add five new gTLDs. Instead, the White Paper proposes that the new corporation would be the most appropriate body to make decisions as to how many, if any, new gTLDs should be added once it has global input, including from the study called for in the Leahy-Ashcroft domain name bill. Specifically, the White Paper calls upon the World Intellectual Property Organization, *inter alia*, to "evaluate the effects, based on studies conducted by independent organizations, such as the National Research Council of the National Academy of Sciences, of adding new gTLDs, and related dispute resolu-

tion procedures on trademark and intellectual property holders."

I commend the Administration for the deliberate approach it has taken to facilitate the withdrawal of the U.S. government from the governance of the Internet and to privatize the management of Internet names and addresses. We should have a Hippocratic Oath for the Internet—that before we adopt any new regimen that affects the Internet, we should make sure we are doing no harm to this dynamic medium.

In order for the WIPO study to be able to evaluate the effects, based on studies conducted by independent organizations, such as the NRC, of adding new gTLDs and related dispute resolution procedures on trademark rights, the Leahy/Ashcroft domain name study legislation in H.R. 3332 instructs the NRC to release an interim report that can be considered before the release of the March 1, 1999 WIPO study. I believe it beneficial, however, for the final report of the NRC to still be released after the WIPO study, so that the NRC can take into account the results and recommendations offered by the WIPO study and offer its comments on the WIPO study.

One might ask whether the NRC report is necessary, given the fact that WIPO will also be doing a study. I believe that the answer is a resounding "yes". Since the Internet is an outgrowth of U.S. government investments carried out under agreements with U.S. agencies, major components of the DNS are still performed by or subject to agreements with U.S. agencies. Examples include assignments of numerical addresses to Internet users, management of the system of registering names for Internet users, operation of the root server system, and protocol assignment. Although U.S. government management of the Internet's most basic functions will soon be phased out, it is still not clear who will be running the new nonprofit corporation which, according to the Administration's White Paper, will oversee the domain name system. Moreover, the U.S. leads the world in the creation and dissemination of intellectual property. Given the U.S. interests that are at stake and the uncertainty in who will run the domain name system and how it will affect U.S. stakeholders, I think it important that a U.S. entity examine the issue of adding new gTLDs and related dispute resolution procedures on trademark rights. As important as it is for WIPO to benefit from an objective U.S. entity's perspective on this matter, I also think that an objective U.S. entity should be tasked with considering whatever recommendations are issued by WIPO.

I am therefore pleased that the Senate passed H.R. 3332 last night with the Leahy/Ashcroft domain name study bill.

#### THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Thursday,