

Trademark Claims Sub Team Recommendations for RPM PDP Working Group Discussion

[Status Check - Draft as of 07 June 2019]

NOTE: All colored text are Sub Team deliberations, which are tentative and will be removed from this document when it is final. Grey text are discussions during meetings. Green text are excerpts from the discussion threads. Blue text are excerpts from Trademark Claims Q4 Google Doc. Red text are staff notes.

Table 1 is a snapshot of the overall status of the Trademark Claims Sub Team's deliberation on each agreed charter question and development of proposed answers, preliminary recommendations (if any), and proposed questions for community input (if any). Based on staff's preliminary assessment, open items are highlighted after the Sub Team has done the first pass of the draft text. Sub Team Co-Chairs will review the Sub Team's deliberation to date and publish their designation of closed discussion and discussion that should remain open. Sub Team members will have the opportunity to provide input to the Sub Team Co-Chairs' designation.

Table 2 aims to consolidate, in a clear and concise manner, the Sub Team's proposed answers, preliminary recommendations, and proposed questions for community input in relation to each agreed Trademark Claims charter question. **When finalized, this table will not include Sub Team discussions and deliberations. All colored text are Sub Team deliberations, which are tentative and will be removed from this document and stored in the Sub Team's Summary Table.**

Table 3 is a snapshot, based on Sub Team Co-Chairs' preliminary assessment, of the results of the review of all individual proposals received from Working Group members. Details and additional context are contained in the Sub Team's Summary Table and the Sub Team's weekly progress reports.

Proposed Answer	Preliminary Recommendation	Proposed Question for Community Input
-----------------	----------------------------	---------------------------------------

Table 1: Status of Sub Team Deliberation

Question	Overall Status	Open Item
Q1	Sub Team reviewed draft text on 22 May, staff revised proposed answers and preliminary recommendations incorporating input from Sub Team	None
Q2	Draft text not discussed	-
Q3	Sub Team reviewed draft text on 29 May, staff revised proposed answers, preliminary recommendations, and proposed questions incorporating input from Sub Team, one part of the preliminary recommendation needs specificity	One part of the preliminary recommendation needs specificity
Q4	Sub Team began reviewing draft text on 5 June, but did not discuss proposed answers to Q4(b)-(d)(ii) and proposed questions for community input	Proposed answers to Q4(b)-(d)(ii); proposed questions for community input, if any
Q5	Draft text not discussed	-

Table 2: Proposed Answers to Agreed Charter Questions & Preliminary Recommendations

QUESTION 1		
Proposed Answer	Preliminary Recommendation	Proposed Question for Community Input
Q1: <i>Is the Trademark Claims service having its</i>	The Trademark Claims Sub Team	

NOTE: All colored text are deliberations, which will NOT be included in the “status check” document when it is finalized. Grey text are discussions during meetings. Green text are excerpts from the discussion threads. Blue text are excerpts from Trademark Claims Q4 Google Doc. Red text are staff notes.

Proposed Answer	Preliminary Recommendation	Proposed Question for Community Input
<p><i>intended effect?</i></p> <p>Proposed Answer: With limited data, the Sub Team did not come to agreement as to whether the Trademark Claims service is “probably” or “likely” having its intended effect; although the Sub Team could determine that the service is at least “possibly” having its intended effect.</p> <p>--</p> <p>Alternative wording 1: The Sub Team determined that the Trademark Claims service is at least "possibly" having its intended effect, but with limited data the Sub Team could not answer the question definitively.</p> <p>Alternative wording 2: Some members of the Sub Team believe that the Trademark Claims service is "probably" having its intended effect, while others believe it is at best "possibly" having its intended effect.</p>	<p>recommends that the language of the Trademark Claims Notice be revised, in accordance with the Implementation Guidance outlined in the Sub Team’s recommendations for Question 3 (below). This recommendation aims to help enhance the intended effect of the Trademark Claims Notice by improving the understanding of recipients, while decreasing any unintended effects of deterring good-faith domain name applications.</p>	
<p>Q1(a): <i>Is the Trademark Claims service having its intended effect of deterring bad-faith registrations and providing Claims Notice to domain name applicants?</i></p>		

NOTE: All colored text are deliberations, which will NOT be included in the “status check” document when it is finalized. Grey text are discussions during meetings. Green text are excerpts from the discussion threads. Blue text are excerpts from Trademark Claims Q4 Google Doc. Red text are staff notes.

Proposed Answer	Preliminary Recommendation	Proposed Question for Community Input
<p>Proposed Answer: With limited data, the Sub Team did not come to agreement as to whether the Trademark Claims service is “probably” or “likely” having its intended effect of deterring bad-faith registrations; although the Sub Team could determine that the service is at least “possibly” having its intended effect. Some Sub Team members drew this conclusion based on the low number of UDRP proceedings/challenges in new gTLDs compared to that in legacy TLDs. There is insufficient data to determine the extent of deterrence that occurred, if any.</p>		
<p>Q1(b): <i>Is the Trademark Claims service having any unintended consequences, such as deterring good-faith domain name applications?</i></p> <p>Proposed Answer: The Trademark Claims service may possibly have unintended consequences, such as deterring good-faith domain name applications. There is insufficient data to determine the extent of deterrence that occurred, if any.</p>		
<p>QUESTION 2</p>		

NOTE: All colored text are deliberations, which will NOT be included in the “status check” document when it is finalized. Grey text are discussions during meetings. Green text are excerpts from the discussion threads. Blue text are excerpts from Trademark Claims Q4 Google Doc. Red text are staff notes.

Proposed Answer	Preliminary Recommendation	Proposed Question for Community Input
-----------------	----------------------------	---------------------------------------

Proposed Answer	Preliminary Recommendation	Proposed Question for Community Input
<p>Q2(a): <i>Should the Claims period be extended - if so, for how long (up to permanently)?</i></p> <p>Proposed Answer: The current mandatory Claims period should not be extended. However, registries should have a certain degree of flexibility, based on a suitable business model, with the option to extend the Claims Period.</p>	<p>The Trademark Claims Sub Team recommends, in general, that the current requirement for a mandatory Claims Period be maintained, including for the minimum initial 90-day period when a TLD opens for general registration.</p> <p>[Staff note as of 13 May: Michael Graham commented that he would like to provide language for a potential additional preliminary recommendation pertaining to developing a list of data/information that should be gathered to facilitate the future review of RPMs.]</p>	<p>Some Sub Team members recommend that public comment be sought on whether registries should have the option to conduct a permanent Trademark Claims period, which is suggested in Individual Proposal #12.</p>
<p>Q2(b): <i>Should the Claims period be shortened?</i></p> <p>Proposed Answer: The current mandatory Claims Period should not be shortened.</p>		
<p>Q2(c): <i>Should the Claims period be mandatory?</i></p> <p>Proposed Answer: There should be a mandatory Claims Period. However, registries should have a certain degree of flexibility to create a suitable business model in providing the Claims Service, provided this does not involve shortening the mandatory Claims Period.</p>		

NOTE: All colored text are deliberations, which will NOT be included in the “status check” document when it is finalized. Grey text are discussions during meetings. Green text are excerpts from the discussion threads. Blue text are excerpts from Trademark Claims Q4 Google Doc. Red text are staff notes.

Proposed Answer	Preliminary Recommendation	Proposed Question for Community Input
<p>-- Where there is a Claims Period (see proposed answer to Q2(d)), it should not be shortened.</p>		
<p>Q2(d): Should any TLDs be exempt from the Claims RPM and if so, which ones and why?</p> <p>Proposed Answer: TLDs -- not including legacy TLDs as the mechanism is applicable to gTLDs launched during the 2012 New gTLD Program and future new gTLD Program(s) -- should not be exempt from the Claims RPM. However, based on the limited data, public comment will be sought on whether there is a use case for exempting a TLD from the requirement of a mandatory Claims Period due to the particular nature of the TLD, as well as its follow-up questions.</p> <p>-- Some members of the Subteam believed that .brand gTLDs had no need for a Claims period, because there will be no individual registrants in a .brand. Some members suggested that certain highly regulated new gTLDs, on the order of .bank, might not need a Claims period because of the other</p>	<p>One Sub Team member proposed the following preliminary recommendation language:</p> <p>If the community supports an exemption of any TLDs from the Claims RPM, it should be codified in the Registry Agreement, similar to the way the Registry Agreement allows certain registries to have a Code of Conduct exemption for certain TLDs with certain business models.</p>	<p>Some Sub Team members recommend that public comment be sought on the following questions:</p> <ul style="list-style-type: none"> ● Is there a use case for exempting a gTLD that is approved in subsequent expansion rounds from the requirement of a mandatory Claims Period due to the particular nature of that gTLD? Such type of gTLD might include: (i) restricted TLDs that bar any commercial use due to their terms of use or acceptable use policy; (ii) “highly regulated” TLDs that have stringent requirements for registering entities, on the order of .bank; and/or (iii) “Dot Brand” TLDs whose proposed registration model demonstrates that the use of a Claims Service is unnecessary. ● If the WG recommends exemption language, what are the appropriate guardrails ICANN should use when granting the exception (e.g.

NOTE: All colored text are deliberations, which will NOT be included in the “status check” document when it is finalized. Grey text are discussions during meetings. Green text are excerpts from the discussion threads. Blue text are excerpts from Trademark Claims Q4 Google Doc. Red text are staff notes.

Proposed Answer	Preliminary Recommendation	Proposed Question for Community Input
<p>requirements of registration, while another member argued that a Claims period would still be appropriate and not harmful. Other members suggested there may be various use cases for exempting a TLD from the requirement of a mandatory Claims Period due to the particular nature of the TLD, such as a restricted gTLD that would bar commercial use due to its terms of use or acceptable use policy.</p>		<p>single-registrant? Highly-regulated or manually hand-registered domains? Something else?)</p> <p>Other Sub Team members provided input on the proposed questions above:</p> <ul style="list-style-type: none"> • Several Sub Team members did not support the inclusion of “restricted TLDs that bar any commercial use due to their terms of use or acceptable use policy” in the language above, as this type of TLDs does not contain the same protective limitations as the other two types of TLDs mentioned above. • One Sub Team member was not sure whether the community will think any exemption is worth a change here. It might be less painful to maintain the status quo than to try to invent new guardrails for what is at best an inconvenience to .brands and highly-regulated TLDs. <p>--</p> <p>Some Sub Team members recommend that public comment be sought on the following</p>

NOTE: All colored text are deliberations, which will NOT be included in the “status check” document when it is finalized. Grey text are discussions during meetings. Green text are excerpts from the discussion threads. Blue text are excerpts from Trademark Claims Q4 Google Doc. Red text are staff notes.

Proposed Answer	Preliminary Recommendation	Proposed Question for Community Input
		<p>questions:</p> <ul style="list-style-type: none"> ● Is there a use case for exempting a gTLD that is approved in subsequent expansion rounds from the requirement of a mandatory Claims Period due to the particular nature of that gTLD? Such type of gTLD might include: (i) restricted TLDs¹ that bar any commercial use due to their terms of use or acceptable use policy; (ii) highly regulated TLDs such as “Dot Brand” and “Dot Pharmacy” TLDs whose proposed registration model demonstrates that the use of a Claims Service is unnecessary. ● Are there other types/categories/classifications of TLDs that might be exempted from the mandatory Claims Period? ● Do you have any concerns about exempting those types/categories/classifications of TLDs from the mandatory Claims Period?
<p>Q2(e): Should the proof of use requirements for Sunrise be extended to include the issuance of TMCH notices?</p>		

¹ **Restricted TLDs:** The TLD whose registration is limited to people or entities that satisfy certain criteria set by the TLD’s Registry Operator.

NOTE: All colored text are deliberations, which will NOT be included in the “status check” document when it is finalized. Grey text are discussions during meetings. Green text are excerpts from the discussion threads. Blue text are excerpts from Trademark Claims Q4 Google Doc. Red text are staff notes.

Proposed Answer	Preliminary Recommendation	Proposed Question for Community Input
-----------------	----------------------------	---------------------------------------

<p>Proposed Answer: The Sub Team has differing opinions on whether the proof of use requirements for Sunrise should be extended to include the issuance of TMCH notices.</p>		
---	--	--

QUESTION 3

Proposed Answer	Preliminary Recommendation	Proposed Question for Community Input
-----------------	----------------------------	---------------------------------------

<p>Q3(a): Does the Trademark Claims Notice to domain name applicants meet its intended purpose?</p> <p>Proposed Answer: The Trademark Claims Notice generally meets its intended purpose of notifying prospective domain name registrants that the applied-for domain name matches at least one trademark in the Trademark Clearinghouse. However, there are inadequacies and shortcomings of the Trademark Claims Notice as set out in the proposed answers to Q3(a)(i)-(iii).</p>	<p>The Trademark Claims Sub Team recommends that the Trademark Claims Notice be revised to reflect more specific information about the trademark(s) for which it is being issued, and to more effectively communicate the meaning and implications of the Claims Notice (e.g., outlining possible legal consequences or describing what actions potential registrants may be able to take following receipt of a notice).</p> <p>The Trademark Claims Sub Team recommends, accordingly, that the current version of the Claims Notice be revised to maintain brevity, improve user-friendliness, and provide additional relevant information or links to multilingual external resources</p>	<p>The Trademark Claims Sub Team recommends that public comment be sought on the following questions:</p> <ul style="list-style-type: none"> ● Have you identified any inadequacies or shortcomings of the Claims Notice? If so, what are they? ● Do you have suggestions on how to improve the Claims Notice in order to address the inadequacies or shortcomings?
<p>Q3(a)(i): If not, is it intimidating, hard to understand, or otherwise inadequate? If inadequate, how can it be improved?</p>		

NOTE: All colored text are deliberations, which will NOT be included in the “status check” document when it is finalized. Grey text are discussions during meetings. Green text are excerpts from the discussion threads. Blue text are excerpts from Trademark Claims Q4 Google Doc. Red text are staff notes.

Proposed Answer	Preliminary Recommendation	Proposed Question for Community Input
<p>Proposed Answer: Based on the data collected, the Claims Notice is intimidating, hard to understand, or otherwise inadequate for some of the actual and potential registrant respondents. The Sub Team has made preliminary recommendations to improve the Claims Notice, and also seeks community input to address its inadequacy.</p>	<p>that can aid prospective registrants in understanding the Claims Notice and its implications.</p> <p>To assist the Implementation Review Team (IRT) that will be formed to implement recommendations from this PDP in redrafting the Claims Notice, the Trademark Claims Sub Team has developed the following Implementation Guidance:</p>	
<p>Q3(a)(ii): Does it inform domain name applicants of the scope and limitations of trademark holders’ rights? If not, how can it be improved?</p> <p>Proposed Answer: Based on the data collected, the Claims Notice does not adequately inform domain name applicants of the scope and limitations of trademark holders’ rights (e.g., lack of identifying details of the trademark, issues with figurative/design marks). The Sub Team has made preliminary recommendations to improve the Claims Notice, and also seeks community input to address its inadequacy.</p>	<ul style="list-style-type: none"> ● The Claims Notice must be clearly comprehensible to a layperson unfamiliar with trademark law; ● Albeit unspecified, agreed terms, concepts, parameters, objectives, and principles should be taken into account when the IRT redrafts the Claims Notice [Staff Note: specific terms, concepts, parameters, objectives, and principles need to be developed]; ● A suggestion was made that ICANN org consider partnering with external resources that have already indicated an interest in helping redraft the Claims Notice (e.g., AUIP clinic). 	
<p>Q3(a)(iii): Are translations of the Trademark Claims Notice effective in informing domain</p>	<p>The Trademark Claims Sub Team recommends that delivery of the Trademark</p>	

NOTE: All colored text are deliberations, which will NOT be included in the “status check” document when it is finalized. Grey text are discussions during meetings. Green text are excerpts from the discussion threads. Blue text are excerpts from Trademark Claims Q4 Google Doc. Red text are staff notes.

Proposed Answer	Preliminary Recommendation	Proposed Question for Community Input
<p><i>name applicants of the scope and limitation of trademark holders' rights?</i></p> <p>Proposed Answer: Based on the data collected, the current requirement on translations of the Trademark Claims Notice -- "the Claims Notice MUST be provided by the registrar to the potential domain name registrant in English and SHOULD be provided by the registrar to the potential domain name registrant in the language of the registration agreement" -- does not seem effective in informing domain name applicants of the scope and limitation of trademark holders' rights.</p>	<p>Claims Notice be both in English as well as the language of the registration agreement. In this regard, the Trademark Claims Sub Team recommends changing the relevant language in the current Trademark Clearinghouse Requirements on this topic to "...registrars MUST provide the Claims Notice in English and in the language of the registration agreement."</p> <p>The Trademark Claims Sub Team also recommends that, where feasible, the Claims Notice include links on the ICANN org website to translations of the Claims Notice in all six UN languages.</p>	
<p>Q3(b): <i>Should Claims Notifications only be sent to registrants who complete domain name registrations, as opposed to those who are attempting to register domain names that are matches to entries in the TMCH?</i></p> <p>Proposed Answer: No, when there is a Claims Period and the issuance of a Claims Notice is required (see proposed answer to Q2(d)), the Claims Notice should be sent to potential registrants, who are attempting to register</p>	<p>The Trademark Claims Sub Team recommends that the current requirement for only sending the Claims Notice before a registration is completed be maintained.</p> <p>The Trademark Claims Sub Team also recognizes that there may be operational issues with presenting the Claims Notice to registrants who pre-registered domain names, due to the current 48-hour expiration period of the Claims Notice.</p>	

NOTE: All colored text are deliberations, which will NOT be included in the "status check" document when it is finalized. Grey text are discussions during meetings. Green text are excerpts from the discussion threads. Blue text are excerpts from Trademark Claims Q4 Google Doc. Red text are staff notes.

Proposed Answer	Preliminary Recommendation	Proposed Question for Community Input
-----------------	----------------------------	---------------------------------------

domain names that are matches to entries in the TMCH, at some point before the domain name registration is completed.	The Trademark Claims Sub Team therefore recommends that the Implementation Review Team consider ways in which ICANN org can work with registrars to address this implementation issue.	
---	--	--

QUESTION 4

Proposed Answer	Preliminary Recommendation	Proposed Question for Community Input
-----------------	----------------------------	---------------------------------------

<p>Q4: <i>Is the exact match requirement for Trademark Claims serving the intended purposes of the Trademark Claims RPM? In conducting this analysis, recall that IDNs and Latin-based words with accents and umlauts are currently not serviced or recognized by many registries.</i></p> <p>Proposed Answer: The Sub Team has differing opinions on whether the exact match requirement is serving the intended purposes of the Trademark Claims RPM.</p>		<p>See all discussion in the Trademark Claims Q4 Google Doc: https://docs.google.com/document/d/10quBC1BnuIM_wOyEXH7TttNWEOrDTiPNscgSBd7QFXg/edit?usp=sharing Discussions will NOT be included in the “Status Check” document but will be incorporated in the Summary Table and the deliberation section of the Initial Report.</p>
---	--	---

<p>Q4(a): <i>What is the evidence of harm under the existing system?</i></p> <p>Proposed Answer: The Sub Team has</p>		
---	--	--

NOTE: All colored text are deliberations, which will NOT be included in the “status check” document when it is finalized. Grey text are discussions during meetings. Green text are excerpts from the discussion threads. Blue text are excerpts from Trademark Claims Q4 Google Doc. Red text are staff notes.

Proposed Answer	Preliminary Recommendation	Proposed Question for Community Input
<p>differing opinions on whether there is evidence of harm under the existing system of exact match.</p>		
<p>Q4(b): <i>Should the matching criteria for Notices be expanded?</i></p> <p>Proposed Answer: The Sub Team has differing opinions on whether the matching criteria for the Claims Notice should be expanded.</p>		<p>Some Sub Team members recommend that public comment be sought on the following questions:</p> <ul style="list-style-type: none"> Please include any overarching comments on “expanded match” here, particularly any yes/no reaction to question 4(b) but note that we call for specific reactions in the subsections below. Our mandate, in the absence of clear evidence to make a change, is to maintain the status quo.
<p>Q4(b)(i): <i>Should the marks in the TMCH be the basis for an expansion of matches for the purpose of providing a broader range of claims notices?</i></p> <p>Proposed Answer: If the matching criteria for the Claims Notice were to be expanded, the marks in the TMCH should be the basis for an expansion of matches for the purpose of providing a broader range of Claims Notice.</p> <p>--</p> <p>While there is no consensus that the matching criteria should be expanded, most</p>		<p>Some Sub Team members recommend that public comment be sought on:</p> <ol style="list-style-type: none"> Feasibility (including technical pros and cons) of using the TMCH Alternatives to the TMCH Question: Are we missing anything in our consideration?

NOTE: All colored text are deliberations, which will NOT be included in the “status check” document when it is finalized. Grey text are discussions during meetings. Green text are excerpts from the discussion threads. Blue text are excerpts from Trademark Claims Q4 Google Doc. Red text are staff notes.

Proposed Answer	Preliminary Recommendation	Proposed Question for Community Input
<p>members generally assume that the TMCH would be the likely implementation for any expansion because contracted parties are already integrated with, and querying, the TMCH for claims notices today, though we have no idea of how it would technically work.</p>		
<p>Q4(b)(ii): <i>What results (including unintended consequences) might each suggested form of expansion of matching criteria have?</i></p> <p>Proposed Answer: As the Sub Team had differing opinions on the need to expand the matching criteria, the suggested forms of expansion were not examined in detail and as such, the Sub Team did not flush out the possible results of such suggestions.</p> <p>--</p> <p>Because the WG is deeply divided on this, we summarized the potential positive and negative results in Q4(b), above.</p>		<p>Some Sub Team members recommend that public comment be sought on:</p> <ul style="list-style-type: none"> Results and consequences that we haven't yet identified here. Ideally, community members should quantify their opinions with data.
<p>Q4(b)(iii): <i>What balance should be adhered to in striving to deter bad-faith registrations but not good-faith domain name applications?</i></p> <p>Proposed Answer: The balance is between</p>		<p>Some Sub Team members recommend that public comment be sought on the following questions:</p> <ul style="list-style-type: none"> Do you agree with the balance suggestion above?

NOTE: All colored text are deliberations, which will NOT be included in the "status check" document when it is finalized. Grey text are discussions during meetings. Green text are excerpts from the discussion threads. Blue text are excerpts from Trademark Claims Q4 Google Doc. Red text are staff notes.

Proposed Answer	Preliminary Recommendation	Proposed Question for Community Input
<p>generating match criteria that cover as many applicable scenarios as feasible and avoiding a potential overflow of false positives due to “bad matches”.</p> <p>Prospective registrants should be appropriately notified by a well-crafted Claims Notice regarding a potential problem with their chosen domain names.</p>		<ul style="list-style-type: none"> Do you have additional suggestions?
<p>Q4(b)(iv): <i>What is the resulting list of non-exact match criteria recommended by the WG, if any?</i></p> <p>Proposed Answer: The Sub Team has not approved the concept much less developed a proposed list of non-exact match criteria, if the matching criteria for the Claims Notice were to be expanded, but seeks community input in case the result of the public comment period suggests it as a path forward.</p>		
<p>Q4(c): <i>What is the feasibility of implementation for each form of expanded matches?</i></p> <p>Proposed Answer: The Sub Team team has</p>		

NOTE: All colored text are deliberations, which will NOT be included in the “status check” document when it is finalized. Grey text are discussions during meetings. Green text are excerpts from the discussion threads. Blue text are excerpts from Trademark Claims Q4 Google Doc. Red text are staff notes.

Proposed Answer	Preliminary Recommendation	Proposed Question for Community Input
differing opinions on the advisability much less the feasibility of implementing expanded matches.		
<p>Q4(d)(i): <i>If an expansion of matches solution were to be implemented, should the existing TM Claims Notice be amended? If so, how?</i></p> <p>Proposed Answer: If an expansion of matches solution were to be implemented, the existing Trademark Claims Notice should be amended.</p>		<p>Some Sub Team members recommend that public comment be sought on the following question:</p> <ul style="list-style-type: none"> Do you have suggested language for the TM Claims Notice that you would like to propose? [Staff Note: It may be more appropriate to ask this question in Q3]
<p>Q4(d)(ii): <i>If an expansion of matches solution were to be implemented, should the Claim period differ for exact matches versus non-exact matches?</i></p> <p>Proposed Answer: Not Applicable. Since there was no consensus to expand matches, the Sub Team did not consider this question in detail.</p>		
QUESTION 5		
Proposed Answer	Preliminary Recommendation	Proposed Question for Community Input
Q5: Should the Trademark Claims period	The Trademark Claims Sub Team	The Trademark Claims Sub Team

NOTE: All colored text are deliberations, which will NOT be included in the “status check” document when it is finalized. Grey text are discussions during meetings. [Green text are excerpts from the discussion threads](#). [Blue text are excerpts from Trademark Claims Q4 Google Doc](#). [Red text are staff notes](#).

Proposed Answer	Preliminary Recommendation	Proposed Question for Community Input
<p>continue to be uniform for all types of gTLDs in subsequent rounds?</p> <p>Proposed Answer: The Trademark Claims period, including for the minimum initial 90-day period when a TLD opens for general registration, should continue to be uniform for all types of gTLDs in subsequent rounds, where the Registry Operator has not obtained an exception (see proposed answer to Q2(d)). In addition, Registries should have a certain degree of flexibility, based on a suitable business model, with the option to extend the Claims Period.</p>	<p>recommends, in general, that the current requirement for a mandatory Claims Period be maintained for all types of gTLDs in subsequent rounds, including for the minimum initial 90-day period when a TLD opens for general registration.</p> <p>--</p> <p>The Trademark Claims Sub Team generally recommends a uniform minimum duration of 90 days for Claims periods where the Registry Operator has not obtained an exemption (see proposed answer to Q2).</p>	<p>recommends public comment be sought on potential scenarios for allowing some Registry Operator to obtain an exemption for Trademark Claims that may or may not be based on the types/categories/classifications or particular nature of gTLDs (see proposed question for community input for Q2(d)).</p>

Table 3: Status of Individual Proposals Review

Proposal No.	Status
Proposal #1	Review Completed - It did not receive wide support from the Trademark Claims Sub Team for inclusion in the Initial Report.
Proposal #5	Review Completed - It did not receive wide support from the Trademark Claims Sub Team for inclusion in the Initial Report.
Proposal #6	Review Not Completed - It may affect the preliminary recommendations for the agreed Trademark Claims Charter Question 1.

NOTE: All colored text are deliberations, which will NOT be included in the “status check” document when it is finalized. Grey text are discussions during meetings. Green text are excerpts from the discussion threads. Blue text are excerpts from Trademark Claims Q4 Google Doc. Red text are staff notes.

Proposed Answer	Preliminary Recommendation	Proposed Question for Community Input
-----------------	----------------------------	---------------------------------------

Proposal #11	Review Completed - Sub Team does not have a recommendation as it is not applicable to Trademark Claims.	
Proposal #12	Review Completed - It did not receive wide support from the Trademark Claims Sub Team for inclusion in the Initial Report.	

NOTE: All colored text are deliberations, which will NOT be included in the “status check” document when it is finalized. Grey text are discussions during meetings. Green text are excerpts from the discussion threads. Blue text are excerpts from Trademark Claims Q4 Google Doc. Red text are staff notes.