

Instructions:

This table was built to assist the Sunrise Data Review Sub Team in its analysis as to whether, and how, the previously collected Sunrise data (between December 2016 and March 2018) answer each of the final agreed Charter questions.

- In the **Sunrise Tab** of the [analysis tool](#), Staff have included excerpts, as well as the relevant page/slide reference, from the previously collected data that staff believe may assist in answering the final agreed Charter questions. Summaries of the excerpts are included in Column B.
- The excerpts cited by Staff are nonexclusive; Sub Team members are welcome to download and reference the actual documents, linked from the **Source Tab**, to cite relevant information that may help answer the final agreed Charter questions.
- When providing input, please note the source name and page/slide number of the previously collected data.

Sunrise Charter Question 2:

(Threshold question: Is Registry pricing within the scope of the RPM WG or ICANN's review?)

2a. Does Registry Sunrise or Premium Name pricing practices unfairly limit the ability of trademark owners to participate during Sunrise?

2b. If so, how extensive is this problem?

Sub Team Member Name	Do the previously collected data help answer this Sunrise Charter Question?	If yes, which sub question(s) do the survey results assist?	How do the data assist (e.g. "Information X in document Y demonstrate Z")?	Source Name & Page/Slide Reference
George Kirikos	Yes*	a,b	<p>[my usual disclaimer for Yes with an asterisk, given limited number of responses and other statistical issues]</p> <p>Pages 1-2 of the the Dec 2016 Registry Operator Responses to Initial Survey from TMCH Data Gathering Subteam have some stats showing [a] PIR registered 35 domains on average for .ngo and .ong, [b] Donuts registered 125 sunrise names on average per TLD, and [c] AFNIC registered 796 sunrise domains for .paris, and an additional 891 during LRP, showing that to some degree, brand holders are utilizing the sunrise periods. On page 4, Donuts stated that the "average cost of a sunrise registration is \$100".</p>	Dec 2016 - Registry Operator Responses to Initial Survey from TMCH Data Gathering Subteam, pages 1-2

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			<p>On page 14 of the INTA Survey Final Report, 67% of respondents were directly affected by premium pricing (shown also on page 48). NB: page 48 also includes .xxx and .asia which were prior rounds of new gTLDs and also .hbo which is a .brand, so some respondents might have been confused. On page 14, 55% observed evidence or examples of discriminatory pricing or unfair business practices related to new gTLDs. Page 50 had general comments on discriminatory pricing in sunrise, e.g. .SUCKS. Page 52 had a free form comment "some have much higher prices during the Sunrise period, which is the only time you can guarantee being able to register the name.". Page 58 had concerns re: .sucks/.love. Page 59 had a free form comment: "Sunrise periods have only a minor effect because many registries target brand owners with discriminatory pricing while at the same time many offer the same domain name to non-brands at a much cheaper price."</p> <p>On page 21 of the ICANN61 transcript, Jon Nevett mention that "98% of the time, they're standard price names." (in the context of premium names)</p>	<p>INTA Survey Final Report, p. 14, 48, 50, 52, 58, 59</p> <p>ICANN61 transcript, page 21</p>
Griffin Barnett	Yes		<p>RO Responses:</p> <ul style="list-style-type: none"> - [a] PIR registered 35 domains on average for .ngo and .ong, [b] Donuts registered 125 sunrise names on average per TLD, and [c] AFNIC registered 796 sunrise domains for .paris, and an additional 891 during LRP, showing that to some degree, brand holders are utilizing the sunrise periods. On page 4, Donuts stated that the "average cost of a sunrise registration is \$100". 	Listed in Prior Column

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David McAuley	Yes	a. And b.	a. 'Possibility strings on premium list make registration difficult. b. Insufficient access to premium lists to test hypothesis	Analysis Group Independent Review page 35 at top See also #2 on Page 65 (Appendix I)
Michael Karanicolas	Yes	A	"Lastly, we find that although trademark holders value access to the Sunrise period and many submit proof of use to become eligible for Sunrise registrations, few trademark holders make Sunrise registrations. This could be due in part to the expense of Sunrise registrations or because other protections of the TMCH services reduce the need for trademark holders to utilize Sunrise registrations."	Analysis Group Revised TMCH Report p. 38.
Susan Payne	Limited - limitations in data	2a	"Trademark holders also expressed a concern that trademark strings may be on reserved or premium lists, making it difficult to register during the Sunrise period. We unfortunately did not have access to a sufficient number of reserved or premium lists to test this hypothesis, but this may be a useful avenue for future research"	AG Report p35
Greg Shatan	Somewhat		We also attempted to collect Sunrise period price data to compare Sunrise period prices to general availability pricing to investigate the extent to which Sunrise period fees may be prohibitive to domain registrants who would like to register during the Sunrise period. However, we did not receive responses from enough registries to perform the analysis."	35

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Greg Shatan	Somewhat		<p><u>Inflated Sunrise prices</u>: Registrars, trademark owners, TMCH agents, and law firms mentioned that Sunrise prices are noticeably expensive.</p> <p>- <u>Trademark strings placed on reserved or premium lists</u>: Trademark owners and related parties expressed frustration that trademarked strings are often placed on reserved or premium lists, making it difficult to register them during the Sunrise period. They suggested that a limit be placed on how many trademarked strings could be placed on reserved and premium lists.</p>	65
David McAuley	Somewhat	a. And b.	Premium pricing affects most - INTA Cost Impact Survey	Slides 14, 48, 50, 58, 59
No	Staff compilation and TLD Startup Info	a. And b.	These two sources focus on time of Sunrise, level of Sunrise periods per year, and types of Sunrise - don't get into pricing impacts as I see.	
David McAuley	Only indirectly		The Data ST Mtg with Jon N. gets into premium pricing in Sunrise in context of DPML Plus and overrides starting on page 9 and going on a bit - interesting background but not so useful to specifically answering these questions.	

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