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COMPLETE

Collector: Web Link 1 (Web Link)
Started: Tuesday, March 26, 2019 4:43:13 AM
Last Modified: Tuesday, March 26, 2019 4:47:55 AM
Time Spent: 00:04:42

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Q1 Proponent's Full Name If this proposal is jointly developed by more than one Working Group member, please write the full names of all proponents involved.

George Kirikos

Q2 Does your recommendation address Sunrise, Trademark Claims, or both? **Sunrise only**

Q3 What type of recommendation are you proposing? Other (please specify):
Both a policy and operational fix.

Q4 What recommendation are you proposing? Please be succinct as well as substantially specific and not general in nature. One proposal for one recommendation only.

If the sunrise procedures are retained (a separate proposal calls for its elimination), then all details of any trademark relied upon to secure a sunrise registration shall be made public, in order to permit utilization of the SDRP. Details should include all information provided to the TMCH (e.g. country, registration number, TM registration date, TM owner, goods and services, etc.). Without limiting an implementation review team, such publication might be implemented by making it public at the source (the TMCH) or via the WHOIS (which had been done in the past).

Q5 What is your rationale for the proposal? (250 words max)

Answer to Q2 of Deloitte April 2017 Response to followup questions says that third parties are only informed of a record in the TMCH through the claims notice which is presented prior to registration, stating the Mark name, Registrant, Registrant Contact, Jurisdiction and goods and services. But, think this through. If a third party actually attempted to register a domain name that was already taken in sunrise, they would just see that the domain name was already registered, and thus a claims notice which provides all the data that is required to challenge the mark WOULD NOT BE GENERATED!! This points to a major bug in the system.

Let's be more specific. Someone has "EXAMPLE" in the TMCH, and registers EXAMPLE.TLD in the .TLD sunrise. A third party who also wanted "EXAMPLE.TLD" tries to register "EXAMPLE" in general availability, but sees that it's taken. That attempted registration does not generate a claims notice which reveals the Mark Name, Registrant, Registrant Contact, Jurisdiction and Goods and Services, i.e. all the data required to make a challenge.

There has been little or no utilization of the SDRP, despite evidence of gaming of sunrises, suggesting that this lack of information acts as a barrier to use of the procedure.

Q6 What evidence do you have in support of your proposal? Please detail the source of your evidence. (250 words max) Such evidence may be information developed by the Sub Teams or documented in other sources.

Deloitte April 2017 Response to followup questions, Q2.

<https://domainnamewire.com/2014/01/30/trademark-claims-notice/> (sample claims notice)

<https://www.idownloadblog.com/2017/07/31/apple-trademark-filings-sleuts/>

As Kathy Kleiman noted "Donuts has never used the sunrise dispute policy across hundreds of gTLDs and thousands of Sunrise registrations (data in response). Ditto for PIR. The change that is needed is that the TMCH be opened for view. The Sunrise Dispute Resolution Policies were premised on the openness off the TMCH database and the ability to review and then challenge trademark owners who misuse the Sunrise. SDRPs cannot serve the purpose for which they were created if third parties cannot review the TMCH entries (as original rules allowed). This gives pretty clear answers to a,b and c above." [compilation of Registry Responses (13 Dec 2016) - Ques A, p 1-2.]

[all previously discussed in the Sunrise sub team, see pp. 2-3 of

https://docs.google.com/document/d/15sQKDNohg3Cp6i35U9NKo3r1R_-fxjLHm4D7antNGtA/edit]

Q7 In respect to which particular agreed Sunrise and/or Trademark Claims Charter Question(s) is your proposal relevant? (250 words max) A full list of agreed Sunrise Charter Questions can be downloaded here:

<https://goo.gl/knQa2p> A full list of agreed Trademark Claims Charter Questions can be downloaded here:

<https://goo.gl/FeAJpa>

Sunrise Q6.

Q8 Does the data reviewed by the Sub Teams show a need to address this issue and develop recommendations accordingly? (250 words max)

Yes, see above.

Q9 If not already addressed above, on the basis of what information, gathered from what source or Sub Team, is this proposal based, if any? Please provide details. (250 words max)

Already addressed above.
