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**COMPLETE**

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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.

Claudio DiGangi

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

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**Q3** What type of recommendation are you proposing? **Policy**

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**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.

The recommendation is based on elements of an ICANN Approved Launch Plan for the Uniregistry (Registry Operator), available at: <https://www.icann.org/sites/default/files/tlds/tattoo/tattoo-launch-policy-09dec13-en.pdf>

More specifically the recommendation is:

"Sunrise services shall include protection for trademarks where the terminal portion of the trademark string corresponds to [TLD] may register second-level names in .[TLD] truncated prior to such terminal portion – i.e. in which the trademark “spans the dot”."

"To be eligible to submit this Registration Request, an Applicant must:

- 1) be the registrant of a corresponding TMCH entry, and the domain name sought must correspond to the entire eligible text of the TMCH entry in accordance with the applicable TMCH requirements.
- 2) The qualified second-level string must terminate in [TLD (and plurals or conjugate forms where indicated in the TLD application)."

One example is: a mark for JOES TATTOOS can be registered during Sunrise as even though there is not an exact match correspondence.

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

\* With the broad expansion of gTLDs, new opportunities have arisen for second-level registration abuse. Trademark owners are now required to protect their rights across a broader landscape, resulting in increased social costs and increased risks of consumer harm.

\* The rationale for the proposal is to ensure the adequate protection of trademarks in new gTLDs and to reduce the level of external social costs imposed by the New gTLD Program in the form of registration abuse and defensive registrations.

\* The type of second-level registration described in this proposal is fully consistent with, and further promotes, the overall purpose of the Sunrise Period.

\* As equally important, this proposal does not create "new rights" in the online context, but simply provides a more direct and effective means to protect trademarks within the New gTLD Program.

\* The main substantive elements of this proposal have been reviewed and approved by ICANN, as consisting of a portion of a TLD operator's Approved Launch Plan.

**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.

\* Evidence that supports the proposal includes:

1) the relevant number of defensive registrations in new gTLDs;

2) the respective level of external costs imposed by the New gTLD Program, including trademark enforcement costs which correspond to the level of registration abuse in new gTLDs based on trademark misappropriation.

**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>

Is the Sunrise Period serving its intended purpose?

Should the availability of Sunrise registrations only for identical matches be reviewed?

If the matching process is expanded, how can Registrant free expression and fair use rights be protected and balanced against trademark rights?

Are Limited Registration Periods in need of review vis a vis the Sunrise Period? Approved Launch Programs? Qualified Launch programs?

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

Yes, with regards to data which reflects the level of registration abuse, and the level of external social costs imposed by the expansion of gTLDs, including trademark rights enforcement and the amount of defensive registrations in new gTLDs.

**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)

Addressed above.

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